

DEPOSITION OF FELICIA S. HENDRICKS  
FELICIA S. HENDRICKS v. WARREN MCDONNELL, ET AL.

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FELICIA SUZETTE HENDRICKS,

Plaintiff,

vs.

CASE NO. 2:05-CV-714-F

WARREN MCDONNELL, et al.,

Defendants.

\* \* \* \* \*

DEPOSITION OF FELICIA SUZETTE HENDRICKS,  
taken pursuant to stipulation and agreement  
before Dee Coker, Registered Professional  
Reporter and Commissioner for the State of  
Alabama at Large, in the Legal Offices of the  
Department of Corrections, 301 South Ripley  
Street, Criminal Justice Building, Montgomery,  
Alabama, on Wednesday, April 26, 2006, commencing  
at approximately 1:21 p.m.

\* \* \* \* \*



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2 (Pages 2 to 5)

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1 APPEARANCES

2 FOR THE PLAINTIFF:

3 Mr. Amardo Wesley Pitters  
4 Attorney at Law  
5 1145 South Perry Street  
6 Montgomery, Alabama 36104

7 FOR THE DEFENDANTS:

8 Mr. Greg Biggs  
9 Assistant Attorney General  
10 ALABAMA DEPARTMENT OF CORRECTIONS  
11 Legal Division  
12 301 South Ripley Street  
13 Montgomery, Alabama 36104

14 \*\*\*\*\*

15 EXAMINATION INDEX

16 FELICIA SUZETTE HENDRICKS  
17 BY MR. BIGGS 5  
18 BY MR. PITTERS 157  
19 BY MR. BIGGS 174

20 EXHIBIT INDEX

21 DEFENDANT'S EXHIBIT NO.:

22 1 Notice to Take Deposition 12,44  
23 2 Complaint for Violation of 48,63,69  
Civil Rights, Equal Protection 74,83  
of the Law, and Dismissal from  
Employment Without Just Cause  
3 Motion to Amend Complaint for 96,97  
Violation of Equal Protection  
of the Law, Violation of Civil  
Rights and Due Process of Law

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1 Coker, Registered Professional Reporter and  
2 Commissioner for the State of Alabama at Large,  
3 without the formality of a commission; that  
4 objections to questions other than objections as  
5 to the form of the questions need not be made at  
6 this time but may be reserved for a ruling at  
7 such time as the deposition may be offered in  
8 evidence or used for any other purpose as  
9 provided for by the Federal Rules of Civil  
10 Procedure.

11 It is further stipulated and agreed by  
12 and between counsel representing the parties in  
13 this case that said deposition may be introduced  
14 at the trial of this case or used in any manner  
15 by either party hereto provided for by the  
16 Federal Rules of Civil Procedure.

17 \*\*\*\*\*

18 MR. PITTERS: We'll waive.  
19  
20  
21  
22  
23

Page 3

1 (DEFENDANT'S EXHIBITS continuing:)

2 4 ADOC Standards of Conduct 75,77,80,82  
3 5 ADOC Positive (Progressive) 153,154,158  
Employee Discipline  
4 6 2/18/05 memo to F.Hendricks 147,148,166  
from T.McDonnell  
5 7 3/2/05 memo to D.Campbell 148,150  
from T.McDonnell  
6 8 Predissmissal Conference Memo 149,150  
to D.Campbell from T.McDonnell  
7 9 Statement of F.Hendricks 98-100,112  
113,126  
8 10 3/4/05 letter to F.Hendricks 150,151,153  
from D.Campbell 156,158,164  
174  
9 12 ADOC Oath of Office signed 125,126  
by F.Hendricks  
10 14 Statement by F.Hendricks 16  
11 15 Memo of understandings by 21,43,44,48  
F.Hendricks

12 \*\*\*\*\*

13 STIPULATIONS

14 It is hereby stipulated and agreed by  
15 and between counsel representing the parties that  
16 the deposition of FELICIA S. HENDRICKS is taken  
17 pursuant to the Federal Rules of Civil Procedure  
18 and that said deposition may be taken before Dec

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1 FELICIA SUZETTE HENDRICKS

2 The witness, having first been duly  
3 sworn to speak the truth, the whole truth and  
4 nothing but the truth, testified as follows:

5 EXAMINATION

6 BY MR. BIGGS:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. My name is Greg Biggs. I'm with the  
10 Department of Corrections, legal counsel  
11 office. I think I have met you in court  
12 before, before you had an attorney. It's  
13 good to see you again.

14 This is your deposition. And you're  
15 here with Mr. Pitters who represents you  
16 today. Have you ever been deposed before?

17 A. No, sir.

18 Q. Okay. This is not a marathon. And during  
19 the course of this, if you ever get tired and  
20 want to take a break for any reason, you let  
21 me know or let your lawyer know and we'll  
22 take a break, okay? The only thing I ask you  
23 is when I ask you a question, if there's a

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3 (Pages 6 to 9)

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1 pending question -- that is, if I ask you a  
2 question, you can't break until you answer  
3 the question.

4 The other rule is that this is Dee, and  
5 she's a court reporter; and she's a great  
6 court reporter, and she takes down everything  
7 that is said. But that behooves you, when I  
8 ask a question, to answer verbally,  
9 articulate an answer either yes or no or  
10 state your answer. You can't nod your head  
11 or you can't go uh-huh or unh-unh because  
12 it's real hard for her to type that down.

13 If I ask a question and you don't  
14 understand it, you ask me to ask it again,  
15 because -- and I will ask bad questions and  
16 sometimes, they don't make sense. If you  
17 have any hesitation at all about what I'm  
18 asking, ask me to clarify it, because I don't  
19 want you to answer a question and you're  
20 assuming what I'm asking. So you make sure  
21 what I ask first, okay?

22 A. (Nodding head.)

23 Q. You have to say yes.

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1 A. Yes, sir.

2 Q. I want you to get used to doing that because  
3 this is a very awkward thing. I will be  
4 asking you a series questions, and you have  
5 to answer those questions.

6 A. Yes, sir.

7 Q. And you're under oath. You understand that?

8 A. Yes, sir.

9 Q. The first thing I want you to do is state  
10 your full name for the record.

11 A. Felicia Suzette Hendricks.

12 Q. Would you spell that, please?

13 A. Felicia, F-E-L-I-C-I-A, Suzette,  
14 S-U-Z-E-T-T-E, Hendricks, H-E-N-D-R-I-C-K-S.

15 Q. Okay. And what's your date of birth?

16 A. May the 19th, 1971.

17 Q. Okay. And where do you live?

18 A. I live -- presently I'm living now at 734  
19 St. Martins Drive, Pike Road, Alabama 36064.

20 Q. And how long have you lived there?

21 A. I just moved there the end of December of  
22 2005.

23 Q. Okay. And before you moved out to that

Page 8

1 address, where did you live?

2 A. I was living at 5113 Loblolly Pine Drive,  
3 Montgomery, Alabama.

4 Q. All right. Do you also have a P.O. box?

5 A. Yes, sir.

6 Q. And what's your P.O. Box?

7 A. Post Office Box 251554, Montgomery, Alabama,  
8 36125.

9 Q. How long have you had that P.O. box?

10 A. It's been years.

11 Q. Okay. Are you employed presently?

12 A. Yes, sir, I am.

13 Q. Where are you employed now?

14 A. At T&WA of Montgomery.

15 Q. And how long have you been employed there?

16 A. April the 1st of this year was a year.

17 Q. Okay. So you've been working for that  
18 company since April of '05?

19 A. Yes, sir.

20 Q. Okay. And prior to that, where did you work?

21 A. I was working at Kilby Correctional Facility.

22 Q. Okay. You worked for the Department of  
23 Corrections?

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1 A. Department of Corrections, yes, sir.

2 Q. When did you start working for the Department  
3 of Corrections?

4 A. It was April 2000.

5 Q. Okay. And what was your position with the  
6 Alabama Department of Corrections?

7 A. Correction Officer I.

8 Q. Okay. And how did it come about you getting  
9 a job with the Alabama Department of  
10 Corrections?

11 A. I applied with the State at Jim Folsom  
12 Building downtown. And I received a letter  
13 saying that I was a qualified candidate, and  
14 I pursued on from there with the steps.

15 Q. Okay. Did you have any prior law enforcement  
16 experience to that day?

17 A. No, sir.

18 Q. Okay. After you were hired in 2000 --

19 A. Yes, sir.

20 Q. -- did you attend an academy?

21 A. Yes, sir. In Selma, Alabama.

22 Q. Okay. When was that?

23 A. In April -- in April, 2000.



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4 (Pages 10 to 13)

Page 10

1 Q. Okay. How long was the academy?  
 2 A. I think it was like eight, nine weeks.  
 3 Q. Okay.  
 4 A. If I'm not mistaken.  
 5 Q. Okay. And as part of your training, did you  
 6 receive instruction on the administrative  
 7 regulations with the Alabama Department of  
 8 Corrections?  
 9 A. Yes, sir.  
 10 Q. All right. And you also were instructed as a  
 11 corrections officer you have responsibility  
 12 to review and -- well, strike that.  
 13 As part of your responsibilities as a  
 14 corrections officer, you also learned that  
 15 you were to keep up to date on the  
 16 administrative regulations of the Alabama  
 17 Department of Corrections?  
 18 A. Yes, sir.  
 19 Q. Okay. When you graduated the academy, what  
 20 was your first assignment? What was your  
 21 first place that you worked?  
 22 A. At Kilby.  
 23 Q. Okay. Is it safe to say that you were a

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1 corrections officer with the Alabama  
 2 Department of Corrections at Kilby Prison  
 3 only?  
 4 A. Yes, sir. Because that was my first choice,  
 5 and I was approved for my first choice.  
 6 Q. Okay. So your entire employment with the  
 7 Department of Corrections would be at that  
 8 facility?  
 9 A. Yes, sir.  
 10 Q. Kilby facility. In the position of  
 11 Corrections Officer I?  
 12 A. Yes, sir.  
 13 Q. Okay. All right. Ultimately, you were  
 14 dismissed as a corrections officer, correct?  
 15 A. Yes, sir.  
 16 Q. Do you remember the exact day that you were  
 17 dismissed?  
 18 A. February the 11th, 2005.  
 19 Q. And how did you receive notice that you were  
 20 dismissed?  
 21 A. It was first a pre-dismissal; then dismissal  
 22 from Terrance -- Warden Terrance McDonnell.  
 23 Q. Did you receive a letter from the

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1 Commissioner -- then Commissioner Campbell?  
 2 A. Yes, sir.  
 3 Q. Okay. It's like he -- the letter -- and  
 4 we'll go over it in a minute. But the letter  
 5 basically says, in sum, that he approves the  
 6 recommendation of the Warden McDonnell of  
 7 your dismissal?  
 8 A. Yes, sir.  
 9 Q. And you got that letter?  
 10 A. Yes, sir.  
 11 Q. Okay. I show what's marked as Defendant's  
 12 Exhibit #1. That is a notice of this  
 13 deposition. Do you see that?  
 14 A. Yes, sir.  
 15 Q. Okay. Do you remember getting a copy of that  
 16 notice?  
 17 A. Yes, sir.  
 18 Q. Okay. Did you read it?  
 19 A. Yes, sir.  
 20 Q. Okay. In that notice of taking deposition,  
 21 it says that your deposition will be today at  
 22 one o'clock, does it not?  
 23 A. Yes, sir, it does.

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1 Q. It also asks you to bring things with you.  
 2 Did you bring any of the things that are  
 3 outlined in that notice of deposition with  
 4 you?  
 5 Well, maybe we ought to do it this way.  
 6 Let me go through it one by one with you.  
 7 Look at number one. Do you have any written  
 8 or tape recorded notes, memorandum or other  
 9 documents in your possession or subject to  
 10 your control which supports the claims made  
 11 the basis of your lawsuit in this case?  
 12 A. Yes.  
 13 Q. What do you have?  
 14 A. Just some little notes that I jotted down on  
 15 my own.  
 16 Q. Some notes?  
 17 A. Uh-huh.  
 18 Q. Do you have them with you?  
 19 A. Yes.  
 20 Q. Okay. Could you bring them out and let us  
 21 take a look at them?  
 22 MR. PITTERS: You can't do that.  
 23 Objection to --



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5 (Pages 14 to 17)

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1 MR. BIGGS: Why are you objecting?  
 2 MR. PITTERS: Attorney/client  
 3 privilege. These are documents  
 4 that bear not only her  
 5 handwriting, but if you see --  
 6 MR. BIGGS: I don't see. I won't --  
 7 MR. PITTERS: I don't want you to read  
 8 them, but the handwriting are  
 9 different.  
 10 MR. BIGGS: Are you representing to me  
 11 that those notes that are in front  
 12 of you are notes of conversations  
 13 between you and your client?  
 14 MR. PITTERS: That's correct.  
 15 Q. All right. Anything that you communicate  
 16 with your lawyer with, conversations or -- is  
 17 not discoverable. That is privileged.  
 18 Okay. So if we get into questions about have  
 19 you had conversations with this person,  
 20 always remember anything that you've  
 21 discussed with your lawyer is privileged,  
 22 okay?  
 23 A. All right.

Page 15

1 Q. Do you have any -- other than the notes that  
 2 are represented to me as attorney/client  
 3 privilege, do you have any other notes or  
 4 documents, memorandum or anything that  
 5 supports the basis of this lawsuit?  
 6 A. Yes, sir.  
 7 Q. What do you have? Just tell me what you  
 8 have.  
 9 A. I have a statement from -- which I had of an  
 10 incident that happened on February the 27,  
 11 2004.  
 12 Q. Could I see it? Okay. What I'd like to do  
 13 is make a -- mark this and make a copy of  
 14 it. And so I'm going to let you have it  
 15 back, but I think for the record, I need to  
 16 get this identified. Maybe mark it --  
 17 MR. BIGGS: Do you have a copy?  
 18 MR. PITTERS: That's what I was going  
 19 to say. Let me see. Make sure  
 20 it's the same thing. Yes, you  
 21 don't have to copy it. Just mark  
 22 that if you want to mark it.  
 23 MR. BIGGS: Dee, I've already got some

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1 pre-marked exhibits. I think I'm  
 2 going to start with --  
 3 MR. PITTERS: And I think, you know,  
 4 you had -- most of what she has  
 5 here are documents that I  
 6 submitted with the disclosures.  
 7 But, I mean --  
 8 MR. BIGGS: If that's the case, we'll  
 9 go through it one by one. But if  
 10 it's already something that I have  
 11 or you filed with the court or we  
 12 have, then we won't have to make  
 13 copies of her exhibits. I just --  
 14 you just need to tell me. But  
 15 this is something I haven't seen.  
 16 I'm going to mark this as  
 17 Defendant's Exhibit #14.  
 18 Q. I show you what's marked as Defendant's  
 19 Exhibit #14. This is the document that you  
 20 have brought with you. And it says  
 21 statement. Is this your statement?  
 22 A. Yes, sir.  
 23 Q. Okay. And this is a statement where you say

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1 that you briefly observed Sergeant White pull  
 2 a pocket knife from his pocket and attempt to  
 3 cut an inmate. Is that true?  
 4 A. Cut an inmate down from his cell, which he  
 5 was hanging himself.  
 6 Q. Okay. Do you have anything else?  
 7 A. No, sir. The same thing that I have is the  
 8 same thing that you have.  
 9 Q. Okay. Just verbally tell me what you have.  
 10 And I probably won't mark it, but just tell  
 11 me what you brought with you to make sure the  
 12 record is clear what you have.  
 13 A. I have a memorandum from Warden Terrance  
 14 McDonnell to CO-I Hendricks, notice of a  
 15 pre-dismissal conference.  
 16 Q. That's dated when?  
 17 A. February the 18th, 2005.  
 18 Q. Okay.  
 19 A. I have -- and I have to Donal Campbell,  
 20 Commissioner from Terrance McDonnell, Warden,  
 21 subject, CO-I Hendricks, pre-dismissal  
 22 conference memorandum as to the grievances  
 23 and the --

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6 (Pages 18 to 21)

Page 18

1 Q. Is that the dismissal letter signed by Donal  
2 Campbell?  
3 A. Yes, sir, the dismissal letter from  
4 Mr. Campbell.  
5 Q. Okay.  
6 A. And I have another grievance form.  
7 Q. It's your handwritten statement that you've  
8 written?  
9 A. And then I have some handwritten statements,  
10 and I have a petition that was signed by some  
11 officers and former employers -- employees,  
12 excuse me. And I have another -- I have a  
13 complaint form.  
14 Q. Okay. What else do you have?  
15 A. And this is the same thing that you have that  
16 I have, which is the motion to amend for the  
17 complaint of violation of equal protection of  
18 the law.  
19 Q. Okay. I see it.  
20 A. I have that. And --  
21 Q. Is that your personnel file that you have, a  
22 copy of your personnel file? Is that the  
23 complaint? I'm sorry. You're looking at the

Page 19

1 actual -- the original complaint, right?  
2 A. Yes.  
3 Q. All right. I see that.  
4 A. And I have the first original complaint.  
5 Q. Okay.  
6 A. And I have one of my employee's performance  
7 appraisals that I brought with me.  
8 Q. Okay. What date is on that performance  
9 appraisal?  
10 A. It was period covered from 11/01/2003 to  
11 11/01/2004 and your raise effective for -- it  
12 was January of 2005.  
13 Q. Okay. Anything else you have?  
14 A. No, sir. No more than I have Administration  
15 Regulations Rule 208.  
16 Q. What's the date of 208 there?  
17 A. It was date of July 26, 2000.  
18 Q. Okay.  
19 A. And Administration Regulation 207. But  
20 that's a -- it was dated like in '94. That's  
21 the last one that I had received since I was  
22 there. And Administration Regulation 220.  
23 It's dated July 26, 2000.

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1 Q. Okay. Anything else?  
2 A. No, sir. That is it.  
3 Q. Okay. What are you looking at? What are the  
4 documents you're looking at right now? What  
5 are those?  
6 A. Those are the ones that I received from -- in  
7 the United States District Court for the  
8 Middle District of Alabama, Northern  
9 Division.  
10 Q. Is it documents or pleadings of this case  
11 that was filed or orders by Judge Coody in  
12 the case?  
13 A. Yes, sir.  
14 Q. Is that what those are?  
15 A. From Judge Coody.  
16 Q. Okay. What is that -- what is that one right  
17 there? What's that?  
18 A. And I have a -- it's a memoranda of  
19 understanding the involvement of other  
20 employees at DOC.  
21 Q. Okay. Could I see that, please? Okay. I  
22 won't mark this one. When Stephanie gets  
23 here, I'll ask her to make a copy of it. But

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1 what I'll do if you don't mind, I'll put a  
2 little sticky on it. This will be marked  
3 Defendant's Exhibit #15. And we'll refer to  
4 it as that. Or I can take a break and we'll  
5 make a copy of it real quick.  
6 MR. PITTERS: Okay.  
7 MR. BIGGS: Let me do that so I can go  
8 ahead and mark it. We're off the  
9 record for just a second.  
10 (Off-the-record discussion)  
11 Q. Ms. Hendricks, I show you what I have marked  
12 as Defendant's Exhibit #15. And this is one  
13 of the documents, other than the pleadings  
14 and such you brought here today that you say  
15 support your case. And it says, the first  
16 paragraph, A memorandum of understandings  
17 involving my employment at DOC, parenthesis,  
18 see enclosures one through eleven for further  
19 information. All DOC employees still remain  
20 with DOC with no discrepancy. Who prepared  
21 this?  
22 A. I did.  
23 Q. Okay. And why did you prepare this?

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7 (Pages 22 to 25)

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1 A. Because it's incidents that happened  
2 similarities to mine, but it wasn't any  
3 actions taken as of for to where I received  
4 the maximum action.  
5 Q. Okay. When did you prepare this?  
6 A. This was prepared during the -- when I --  
7 when I had first went to court -- to the  
8 hearing with Judge Coody and he told me that  
9 I had -- he explained some of the laws to me,  
10 and for me to get information that was  
11 pertaining to my case, is that it was a  
12 similarity to it. And that's when I dug and  
13 found information as of to where I have known  
14 of situations this had happened while I was  
15 there and some that had happened before I  
16 were -- became an officer.  
17 Q. How did you -- when you say dug, how did you  
18 do this? How did you prepare this -- gather  
19 this information?  
20 A. Well, it was some incident that I had already  
21 knew and others that I -- I asked about.  
22 Q. Okay. Which ones -- and these are numbered  
23 one through eleven. Which ones did you

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1 A. Eight.  
2 Q. Okay. It's your testimony that eight of the  
3 eleven --  
4 A. Eight of the eleven that I already knew  
5 about.  
6 Q. Which ones of the eight? Just tell me which  
7 numbers.  
8 A. Number one, number four, number five, number  
9 seven, eight, nine, ten, and eleven.  
10 Q. Okay. All right. Let's go to number one.  
11 And in this statement, it says: Lieutenant  
12 Eddie Browning was arrested and charged with  
13 stalking and sexual harassments in an event  
14 that was highly televised. He was  
15 immediately transferred to Staton  
16 Correctional Facility. When was that?  
17 A. I can't exactly remember the date, sir.  
18 Q. Okay. Where was he arrested?  
19 A. That, I really don't know where of that -- of  
20 where he was arrested. I know that for  
21 stalking and sexual harassment, and it was  
22 televised on television.  
23 Q. Where was the stalking or sexual harassment

Page 23

1 already know about?  
2 MR. PITTERS: Object to the form.  
3 MR. BIGGS: What's the basis of your  
4 objection?  
5 MR. PITTERS: When you say already knew  
6 about, I'm not sure exactly what  
7 are you talking about. When you  
8 say already knew about --  
9 MR. BIGGS: Well, her testimony was  
10 just now that some of these events  
11 she knew about. The others she  
12 had to gather and ask people. I  
13 want to know which ones that she  
14 knew about and not have to ask  
15 people about.  
16 MR. PITTERS: Which she knew about at  
17 the time that she went to court  
18 with Judge Coody or she knew about  
19 it at the time she prepared the  
20 document.  
21 MR. BIGGS: At the time she prepared  
22 the document.  
23 MR. PITTERS: Okay.

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1 performed by Lieutenant Eddie Browning?  
2 A. It was at an apartment complex here in  
3 Montgomery, Alabama.  
4 Q. Okay. Was there any weapons involved?  
5 A. That, I -- I have no knowledge of.  
6 Q. Okay. Is Lieutenant Browning, is he a --  
7 what's his race?  
8 A. His race? He's black.  
9 Q. All right. Number four, Sergeant William  
10 Miller was involved in a relationship with  
11 CO-I Kenneth McMann's wife while both were  
12 employed at the same institution which  
13 eventually led to a dispute and a transfer.  
14 What kind of dispute was that?  
15 A. With Sergeant Miller and Officer Kenny McMann  
16 had -- I think they had some words. And that  
17 Officer McMann wife had worked up front. And  
18 it was a little confrontation about that.  
19 And --  
20 Q. Well, tell me about that confrontation.  
21 A. I really don't know the confrontation from  
22 words for words.  
23 Q. Were just words passed?



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8 (Pages 26 to 29)

Page 26

1 A. Sir?  
2 Q. Were words just passed, to your knowledge?  
3 A. Yes.  
4 Q. Okay. Was there any physical altercation  
5 between the two individuals that you refer to  
6 here?  
7 A. That, I don't know for sure.  
8 Q. Was there a weapon involved?  
9 A. I can't say that I'm for sure about that  
10 either.  
11 Q. Okay. Number five, Sergeant Patricia Davis  
12 and Johnnie Dumas were both involved in a  
13 physical altercation that involved a weapon  
14 at the Montgomery Work Center. Both Davis  
15 and Dumas were involved in a love affair with  
16 Warden Jeffery Williams. Both officers were  
17 transferred to other institutions.  
18 Let me go back to four -- I apologize to  
19 you -- about Sergeant Miller. Where did that  
20 occur?  
21 A. It was while -- it was at Kilby Correctional  
22 Facility.  
23 Q. Okay. Kilby. Okay. And then go back to

Page 27

1 five. And, again, I apologize. How do you  
2 know of this?  
3 A. Because CO-I Johnnie Dumas was transferred to  
4 Kilby Correctional Facility.  
5 Q. Did you talk to Johnnie Dumas?  
6 A. I've had some words with Ms. Johnnie Dumas.  
7 And she really didn't get involved of the  
8 incident because she said it would cause too  
9 much chaos. But as of words of what I heard.  
10 Q. Okay. So your summary of this, is it based  
11 upon statements you received from Johnnie  
12 Dumas or other sources?  
13 A. Both.  
14 Q. Okay. What are the other sources besides  
15 Johnnie Dumas?  
16 A. Other employees.  
17 Q. Okay. What did they say?  
18 A. I can't say word for word, but all I know was  
19 a physical altercation over at the Montgomery  
20 Work Center with Sergeant Davis and CO-I  
21 Dumas in front of inmates at the Montgomery  
22 Work Center.  
23 Q. Okay. And who told you this?

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1 A. Other employees.  
2 Q. Who are they?  
3 A. Right now, I can't recall.  
4 Q. Okay. And when did this happen?  
5 A. I'm not sure of the date, sir.  
6 Q. Is Patricia Davis a female?  
7 A. Yes, sir.  
8 Q. Is Johnnie Dumas a female?  
9 A. Yes, sir.  
10 Q. All right. And based on your conversations  
11 with folks and Ms. Dumas, there was a  
12 purported physical altercation. What  
13 actually happened?  
14 A. It was a physical altercation. They was  
15 fighting.  
16 Q. Okay. Well, what happened?  
17 A. I don't know all the full details, sir.  
18 Q. Okay. It says involved a radio as a weapon?  
19 A. Yes, sir.  
20 Q. How did that happen?  
21 A. I heard the word that Mrs. Davis -- Sergeant  
22 Davis had the radio.  
23 Q. And she did what with it?

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1 A. I assume she had hit Ms. Johnnie Dumas.  
2 Q. Okay. You assume that, but you don't know?  
3 A. I assume she did. They was fighting.  
4 Q. Okay. But other than summaries of what  
5 you've talked to other folks about, what they  
6 think happened, you have no personal  
7 knowledge of what happened on this occasion?  
8 A. No, sir, because it happened at the  
9 Montgomery Work Center, sir.  
10 Q. Okay. And you don't know where at Montgomery  
11 Work Center this allegedly happened, do you?  
12 A. No, sir, no more than I think it happened in  
13 the office.  
14 Q. Okay. Why do you say that?  
15 A. Because that's where -- that's what I was  
16 told.  
17 Q. Okay. Someone told you it happened in the  
18 office?  
19 A. Yes.  
20 Q. Okay. But this didn't happen at Kilby  
21 Correctional Facility?  
22 A. No, sir.  
23 Q. Okay. Have you ever been to Montgomery Work

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9 (Pages 30 to 33)

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1 Center?  
 2 A. Yes, sir.  
 3 Q. Okay. And what level of facility is  
 4 Montgomery Work Center; do you know?  
 5 A. I know, but I don't want to get it confused.  
 6 Q. Well, what do you know?  
 7 A. It's a work release -- work release.  
 8 Q. Work release center?  
 9 A. Uh-huh.  
 10 Q. What level of facility is Kilby?  
 11 A. Level four.  
 12 Q. Okay. Is that high or low?  
 13 A. Exceeding to the highest is -- number five is  
 14 the highest. It's in between.  
 15 Q. Okay. It's almost to the highest?  
 16 A. To the highest.  
 17 Q. Okay. Would it be a maximum?  
 18 A. Medium.  
 19 Q. Medium facility. But Kilby is not a work  
 20 release center, is it?  
 21 A. No, sir, it is not.  
 22 Q. All right. Anything else you know about  
 23 number five that you haven't told me?

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1 A. No, sir.  
 2 Q. Okay. What is the race of Sergeant Davis?  
 3 A. Black.  
 4 Q. What is the race of Johnnie Dumas?  
 5 A. Black.  
 6 Q. All right. Let's go to number seven. It  
 7 says CO-I Jerry Redic and CO-I William Scott  
 8 were involved in a physical, verbal  
 9 altercation in the seg unit at Kilby  
 10 Correctional Facility. Is that what that's  
 11 supposed to say?  
 12 A. Yes, sir.  
 13 Q. How do you know about that?  
 14 A. At the present time I was there at Kilby.  
 15 Q. Did you see it?  
 16 A. Yes. I was in West Dorm.  
 17 Q. Okay. And when did this happen?  
 18 A. I cannot recall the date, sir, when it  
 19 happened.  
 20 Q. What year? Do you know?  
 21 A. No, sir.  
 22 Q. Okay. Would it have been within the past  
 23 five years?

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1 A. Within the five years, yes, sir, in my  
 2 presence at Kilby.  
 3 Q. And what are the facts -- purported facts  
 4 surrounding this alleged physical/verbal  
 5 altercation?  
 6 A. It started about a fan between officer Redic  
 7 and CO-I William Scott. And they had words  
 8 about the fan. If I'm not mistaken -- I'm  
 9 not going to really say which one, but I know  
 10 one of them was assigned to segregation and  
 11 one of them was assigned to mental health.  
 12 And I think that Officer William Scott had  
 13 came to get the fan for mental health because  
 14 it was hot at that present time. And I think  
 15 the air had went out or something like that.  
 16 And Officer Redic -- Scott said that he  
 17 needed the fan down there because the  
 18 segregation unit -- it houses 25 on A block,  
 19 25 on B and 25 on C and 25 on D, which is a a  
 20 total of a hundred inmates, plus it was no  
 21 air circulating for the officers which was in  
 22 the office. And then they had words --  
 23 verbal words about who was going to get the

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1 fan and who wasn't. Then, from that forth,  
 2 it turned to a little tussle with him and  
 3 Officer Redic.  
 4 Q. What do you mean by a tussle?  
 5 A. To where they just locked up, and then they  
 6 was broken up.  
 7 Q. All right. Did you see this?  
 8 A. Yes, sir.  
 9 Q. Who else was present?  
 10 A. I can't recall no officer's names at this  
 11 present time, because I can't really remember  
 12 back that far of my surroundings.  
 13 Q. Was there a weapon involved?  
 14 A. No, sir.  
 15 Q. What's the race of Jerry Redic?  
 16 A. Black.  
 17 Q. What's the race of William Scott?  
 18 A. White.  
 19 Q. Number eight, CO-I Mary Holmes and CO-I Debra  
 20 Caldwell were involved in an altercation at  
 21 Montgomery Work Center. CO-I Holmes was  
 22 transferred to another institution after  
 23 CO-I Caldwell threatened to assault CO-I

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10 (Pages 34 to 37)

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1 Holmes with a weapon, a hand-held radio.  
2 Okay. How do you know about this?  
3 A. From former -- other employees.  
4 Q. Do you know what the purported altercation  
5 was about?  
6 A. No, sir, I don't.  
7 Q. Okay. And you allege that CO-I Holmes was  
8 transferred to another institution.  
9 A. Yes.  
10 Q. Is that what you heard?  
11 A. Yes, sir, that's what I had heard. But I'm  
12 not for sure which one.  
13 Q. Okay. And you also heard an allegation that  
14 CO-I Caldwell had threatened to assault CO-I  
15 Holmes with a hand-held radio.  
16 A. Yes. From my understanding from words that  
17 was said, that she hit Ms. Holmes up side the  
18 head, and Ms. Holmes was out for a few  
19 minutes.  
20 Q. Okay. Was this in the Montgomery Work Center  
21 or outside or where?  
22 A. I can't actually say, sir.  
23 Q. Okay. And what's the race of Ms. Holmes?

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1 A. Black.  
2 Q. What's the race of Debra Caldwell?  
3 A. Black.  
4 Q. Number nine, CO-I William -- Willie Lawrence  
5 was involved in a physical altercation with  
6 his wife after his wife had an involvement  
7 with a fellow employee at the sheriff's  
8 department. The incident led to CO Lawrence  
9 getting a domestic violence charge.  
10 Where did this happen at, the physical  
11 altercation?  
12 A. Okay. On number nine, I strike that one,  
13 because I'm not for sure that happened while  
14 I was at Kilby -- during my present time at  
15 Kilby.  
16 Q. Okay. So you don't know if it happened on a  
17 Department of Corrections facility, do you?  
18 A. No, sir.  
19 Q. Let's go to 10. CO-I Charles Caldwell  
20 received a domestic violence charge after  
21 assaulting his wife because of an affair that  
22 CO-I Caldwell was having with Nurse Katie  
23 Bailey, a former employee at DOC.

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1 Okay. Where did the domestic violence  
2 charge occur?  
3 A. I don't know, sir.  
4 Q. Okay. Did you have information that that  
5 occurred on or about a Department of  
6 Corrections facility?  
7 A. No, sir, I don't.  
8 Q. Look at 11. CO-I Bernard McClain was  
9 involved in an altercation with his  
10 girlfriend, which led up to his arrest and  
11 charged with domestic violence. You don't  
12 know where that occurred, do you?  
13 A. No, sir. Because CO-I Bernard McClain and  
14 CO-I Charles Caldwell work first shift, and I  
15 worked -- at that present time, I worked  
16 second shift. So I don't know.  
17 Q. But you don't know if the purported events of  
18 10 and 11 occurred at Kilby or any other  
19 Department of Corrections?  
20 A. No, sir.  
21 Q. All right. Let's go to two. Now, two,  
22 three, and six are the ones that you had  
23 people tell you about, correct?

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1 A. Yes, sir.  
2 Q. Okay. Number two, purportedly, Lieutenant  
3 Victor Napier had problems with his wife  
4 where his wife came to the facility and  
5 picked him up. Lieutenant Napier abandoned  
6 his post. And he was the only one  
7 supervising that day and left the facility  
8 unsupervised. Who told you about this one?  
9 A. It was an employee, sir.  
10 Q. Well, who was it?  
11 A. It was just former employees. I mean, I  
12 don't really like to call no name, because I  
13 don't want to put no one else's job in  
14 jeopardy, sir.  
15 Q. Well, unfortunately, this is a deposition and  
16 you're under oath. And I ask questions; you  
17 have to answer the questions unless your  
18 attorney directs you not to answer those  
19 questions.  
20 A. Officer Thomas Parks.  
21 Q. Thomas Harts?  
22 A. Junior. P-A-R-K-S.  
23 Q. And where does he work?



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11 (Pages 38 to 41)

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- 1 A. Kilby Correctional Facility.
- 2 Q. And when did you talk to him?
- 3 A. It's been a while.
- 4 Q. Past three months?
- 5 A. Yeah, a little over three months.
- 6 Q. Okay. And how did it come about that you
- 7 spoke with Officer Parks?
- 8 A. I asked him what incidents that happened.
- 9 Q. And was this over the phone or in person?
- 10 A. Over the phone.
- 11 Q. Did you call him or did he call you?
- 12 A. I called him.
- 13 Q. And what did you tell him?
- 14 A. I asked him about some incidents that he knew
- 15 of that happened at Kilby.
- 16 Q. Was this before or after you were dismissed?
- 17 A. Way after.
- 18 Q. And did you call him at home?
- 19 A. Yes.
- 20 Q. Did you tell him that you were filing a
- 21 lawsuit?
- 22 A. Yes.
- 23 Q. Did you tell him you needed information?

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- 1 A. Yes, sir.
- 2 Q. Okay. What did he say?
- 3 A. He just only said that he only knew of a
- 4 couple of incidents, but it wasn't really
- 5 word for word of what happened and what --
- 6 how it went about.
- 7 Q. How long have you known Mr. Parks?
- 8 A. During the present time I was at Kilby.
- 9 Q. What shift does he work?
- 10 A. He was on second shift. Then he went to
- 11 first shift.
- 12 Q. Okay. And how would you describe your
- 13 relationship with Officer Parks?
- 14 A. It's not like a friendly, friendly basis. We
- 15 talk. It just -- it just a relationship. I
- 16 mean, it just a friendly relationship.
- 17 Q. How often do you talk to him?
- 18 A. I don't.
- 19 Q. Okay. Does he call you on occasion?
- 20 A. No, sir.
- 21 Q. Do you call him?
- 22 A. No, sir.
- 23 Q. Does he know about your dismissal?

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- 1 A. Yes, sir.
- 2 Q. Does he know about the facts surrounding your
- 3 dismissal?
- 4 A. As of facts of to --
- 5 Q. Well, did you tell him why you were
- 6 dismissed?
- 7 A. Yes, sir.
- 8 Q. You told him about the events in the parking
- 9 lot at Kilby?
- 10 A. Yes, sir.
- 11 Q. What did he tell you?
- 12 A. No more than he asked me what happened, and I
- 13 told him. And the only thing he said is it
- 14 just wasn't right. I received a maximum
- 15 disciplinary.
- 16 Q. You told Officer Parks about the events that
- 17 led to your dismissal, and he told you it's
- 18 not right?
- 19 A. Yes, sir.
- 20 Q. Is that your testimony?
- 21 A. Yes, sir.
- 22 Q. All right. So after talking to Officer
- 23 Parks, he informed you of the fact -- the

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- 1 purported facts that are outlined in number
- 2 two, correct?
- 3 A. Yes, sir.
- 4 Q. There was no physical altercation alleged in
- 5 number two, was there?
- 6 A. Not to my knowledge, sir. I don't know.
- 7 Q. There was no weapon used in number two,
- 8 correct?
- 9 A. Not to my knowledge.
- 10 Q. Okay. Basically, the purported allegations
- 11 are just Lieutenant Napier just left his
- 12 post, correct?
- 13 A. Yes, sir.
- 14 Q. All right. Let's go to number three. Did
- 15 you find out that information from Officer
- 16 Parks as well?
- 17 A. Yes, sir.
- 18 Q. Okay. And it says purportedly, Sergeant John
- 19 Crow assaulted his wife about a relationship
- 20 with an inmate. Nothing was done.
- 21 This is another event that was told to
- 22 you purportedly by Officer Parks, correct?
- 23 A. Yes, sir.

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12 (Pages 42 to 45)

Page 42

- 1 Q. And he's telling you that Sergeant Crow  
2 assaulted his wife, allegedly, correct?  
3 A. Yes, sir.  
4 Q. Okay. Did he tell you where that assault  
5 occurred?  
6 A. No, sir.  
7 Q. You've got no reason to believe that that  
8 occurred at Kilby, do you?  
9 A. I have no knowledge, sir, where it occurred.  
10 Q. And you have no knowledge as to whether or  
11 not a weapon was used, do you?  
12 A. No, sir, I don't.  
13 Q. Okay. And it says a relationship with an  
14 inmate. Was this Sergeant Crow's  
15 relationship with an inmate or a purported  
16 relationship that Crow's wife had with an  
17 inmate?  
18 A. His wife.  
19 Q. Okay. And number six, is that another  
20 purported event that was told to you by  
21 Officer Parks?  
22 A. Yes, sir.  
23 Q. And in number six, purportedly CO-I Jimmy

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- 1 Q. Is that an accurate statement?  
2 A. Yes, sir.  
3 Q. Why did you put together this last page?  
4 A. Because I just summed up of all the other  
5 things that happened to my situation to where  
6 I -- I said I was treated unfavorable because  
7 of the calls that happened to where in my  
8 discretion to where I was approached by an  
9 aggressive officer and I -- I just -- I just  
10 received the maximum disciplinary. And I  
11 don't think that was right.  
12 Q. All right. So you put this together in  
13 response to someone other than your lawyer  
14 directing you to do this or you did this on  
15 your own?  
16 A. I did this on my own.  
17 Q. All right. We'll come back -- put this in --  
18 Defendant's Exhibit #15 over here. We'll  
19 come back to it. Go back to Defendant's  
20 Exhibit #1. We're on number two now. Before  
21 we get to number two, those are all the  
22 documents that you've brought with you today  
23 in response to number one of the notice to

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- 1 Glenn and CO-I Potterfield were involved in a  
2 physical altercation where a knife was used  
3 in the receiving unit at Kilby. The only  
4 basis that you have for this allegation is  
5 statements from Officer Parks, correct?  
6 A. Yes, sir.  
7 Q. The last page of Exhibit #15 is this a  
8 narrative statement of yours?  
9 A. Yes, sir.  
10 Q. Okay. And it says what it says. But looking  
11 at the second paragraph, it says, The  
12 incident involving my dismissal, in my  
13 opinion, was prejudiced and unfavorable due  
14 to two of my fellow officers and an unknown  
15 female later recognized as Selena Davis  
16 approaching you -- approaching me -- in an  
17 unfriendly manner which caused me to reach in  
18 the door of my car where I was standing and  
19 pick up a small pocket knife and made it  
20 visible to them to distract or detour them  
21 from approaching any further.  
22 Is that your statement?  
23 A. Yes, sir.

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- 1 take deposition, correct?  
2 A. Yes, sir.  
3 Q. Okay. Number two says all documents which  
4 the plaintiff utilized to prepare for the  
5 deposition testimony or to refresh your  
6 recollection. Other than what you've  
7 testified to already, are there any other  
8 documents that falls in the category of  
9 number two that you know about?  
10 A. No, sir.  
11 Q. Okay. Do you have copies of any medical  
12 records that you intend on using in this  
13 lawsuit?  
14 A. No, sir.  
15 Q. You've made no claim for any type of mental  
16 anguish or any type of emotional distress in  
17 this case, have you?  
18 A. No, sir.  
19 Q. Okay. Do you have any tape recordings of any  
20 person, witness, that you intend on using in  
21 this case?  
22 A. No, sir.  
23 Q. Okay. Number five, is there any paperwork

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13 (Pages 46 to 49)

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1 associated with any complaints or grievances  
2 or any other documents that you have in  
3 support of your claims of a denial of equal  
4 protection or denial of due process?  
5 MR. PITTERS: Object to the form.  
6 Q. You can answer, if you can.  
7 A. No more than what I have present in front of  
8 me, sir.  
9 Q. Okay. Your claims under Title 7 have been  
10 dismissed. Do you understand that?  
11 A. No, sir. Could you refresh my memory of the  
12 Title 7?  
13 Q. Do you recall Judge Coody, before you had  
14 your attorney, entering an order dismissing  
15 any claims under Title 7 because you failed  
16 to file an EEOC complaint that is timely?  
17 Do you recall that?  
18 A. Yes, sir.  
19 Q. Okay. Since that dismissal, have you  
20 attempted to file any EEOC complaints or  
21 notices of EEOC as a claim under Title 7?  
22 A. No, sir.  
23 Q. Okay. Number 7 asks for any type of notes,

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1 calendars or writings used to -- to relate to  
2 any claims. And other than the documents  
3 you've brought here and some documents that  
4 are represented to me as attorney/client  
5 privilege. Are there any other documents  
6 that fall under that category that you are  
7 aware of?  
8 A. As of no more than my own personal?  
9 Q. Did you make notes?  
10 A. Yes, sir.  
11 Q. Okay. Other than what you have today, are  
12 there any notes anywhere?  
13 A. No, sir.  
14 Q. Okay. Other than the notes that Mr. Pitters  
15 represents are protected by attorney/client  
16 privilege, are there any other notes that you  
17 have in your possession or control that are  
18 not covered by attorney/client privilege that  
19 you have here today?  
20 A. No, sir.  
21 Q. Okay. Do you have any witnesses' statements  
22 that you've collected in this case?  
23 A. No, sir, no more than the ones that I have

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1 already present.  
2 Q. Okay. Other than the statements made to you  
3 by Officer Thomas Parks, are there any other  
4 witnesses you intend on calling?  
5 A. As of what? Today?  
6 Q. At the trial of your case that you're aware  
7 of.  
8 A. Not none that I have at this present time,  
9 sir.  
10 Q. All right. Are there any other witnesses  
11 that you're aware of other than some of the  
12 names listed here in this document,  
13 Defendant's Exhibit #15, Officer Parks or any  
14 of the defendants, that you know today that  
15 you're going to call as a witness in this  
16 case?  
17 A. I don't really know at this present time.  
18 Q. Okay. That's fair. All right. Let's go to  
19 Defendant's Exhibit #2, which I represent is  
20 the complaint -- the original complaint filed  
21 in this case. Do you see that?  
22 A. Yes, sir.  
23 Q. Is that your original complaint written by

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1 you and filed in this case?  
2 A. Yes, sir.  
3 Q. Okay. The first nine pages are a collection  
4 of hand-printed pages that purports to be the  
5 complaint itself; is that correct?  
6 A. Yes, sir.  
7 Q. Okay. Is this in your own handwriting?  
8 A. Yes, sir.  
9 Q. Okay. Attached to that handwritten complaint  
10 are a number of documents that I believe you  
11 attached as supporting purported documents to  
12 your original complaint; is that correct?  
13 A. Yes, sir.  
14 Q. Okay. And I want to ask you about some of  
15 those. The first thing I want to do is ask  
16 you about on page 8 of your complaint, it has  
17 your name, Felicia S. Hendricks, correct?  
18 A. Yes, sir.  
19 Q. And that's your signature?  
20 A. Yes, sir.  
21 Q. And you signed your name in front of a notary  
22 on July 11th, 2005, correct?  
23 A. Yes, sir.



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14 (Pages 50 to 53)

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1 Q. And page 7 it's hand-printed that as part of  
2 this complaint, the words, I hereby declare  
3 that the contents of my complaint are true  
4 and correct to the best of my knowledge of  
5 the facts as they are known to me. And then  
6 there's a place underneath, sworn to and  
7 subscribed before me on this the blank day of  
8 blank, 2005. Did you write all of that out?  
9 A. Yes, sir.  
10 Q. Okay. You didn't sign that?  
11 A. No, sir, due to the -- at the time -- present  
12 the time when I took this down to the United  
13 States District Court --  
14 Q. Yes, sir.  
15 A. -- Mrs. Karen Mosely, she said I didn't need  
16 that part. And that's where that came in at.  
17 Q. Oh, okay. Well, I ask you today, the  
18 information that you expressed in this  
19 original complaint, is it true and correct to  
20 the best of your knowledge?  
21 A. Yes, sir.  
22 Q. Okay. On page 2 -- well, this was filed --  
23 A. 8/1.

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1 Q. August 1, 2005 --  
2 A. Yes, sir.  
3 Q. -- you filed that, correct?  
4 A. Yes, sir.  
5 Q. On August 1st, 2005, in your section that's  
6 entitled -- or subtitled, Argument, on page  
7 2, you claim that following a confrontation  
8 with two fellow female correction officers in  
9 the parking lot area of Kilby Corrections  
10 Facility located in Mt. Meigs, Alabama, and  
11 upon the issue of a pocket knife belonging to  
12 the plaintiff being displayed in defense of  
13 bodily harm and injury from two fellow female  
14 corrections officers, she was fired from her  
15 job as a correctional -- at Kilby  
16 Correctional Facility in violation of her  
17 civil rights, equal protection of the law and  
18 her due process of law. That's your  
19 statement?  
20 A. Yes, sir.  
21 Q. Okay. What do you mean the phrase "Upon the  
22 issue of a pocket knife"? What does that  
23 mean?

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1 A. Upon the issue is the matter of which a  
2 pocket knife was present at the time.  
3 Q. Okay. Are you saying that -- in this  
4 particular section of your complaint, you're  
5 alleging that a pocket knife was present and  
6 there was an issue made of it? Is that what  
7 you're saying?  
8 A. Yes, sir.  
9 Q. Okay. Look at page 3. On page 3, the second  
10 full paragraph, your allegation is that you  
11 were denied equal protection of the law and  
12 due process because, quote: Plaintiff shows  
13 that most, if not all, male officers carry  
14 some kind of pen or small knives in their  
15 possession while inside the institution to  
16 cut strings down used by inmates to hang  
17 their laundry or a privacy type cloth on  
18 their bunks. And then further on down, it  
19 says: Plaintiff, a female, kept such a small  
20 pocket knife in her possession, was not found  
21 as permissive as male officers.  
22 Ms. Hendricks, were you claiming that  
23 you were denied equal protection of the law

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1 and due process because male officers are  
2 allowed to carry knives, and female officers  
3 are not allowed to carry knives?  
4 MR. PITTERS: Object to the form.  
5 Q. You can answer, if you can.  
6 A. What I'm saying was that some male officers  
7 do have knives in their possession. But at  
8 my present time, my knife was not in my  
9 possession; it was in my car.  
10 Q. Okay. But are you claiming that there are  
11 differences being made between the male  
12 officers and the female officers regarding  
13 possession of knives?  
14 A. Employees, sir.  
15 Q. There was a difference in employees?  
16 A. Yes, as --  
17 Q. What do you mean by that?  
18 A. As in to what I'm saying, it's males -- it's  
19 male officers that do have knives in their  
20 possession. As of a female, I only, as of  
21 myself, had a knife in my possession as of in  
22 my car. But it's male officers that have  
23 knives inside the institution.

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15 (Pages 54 to 57)

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1 Q. Okay. Which male officers can you tell me  
2 have knives in the institution?  
3 A. From what I personally seen was Sergeant Gus  
4 White was one, Officer Darnel Moore, Officer  
5 Jesse Williams, Officer Clarence Hall,  
6 Officer Patrick Moss. And those are the ones  
7 that I know for sure as of myself.  
8 Q. Okay.  
9 A. And it might be others, but --  
10 Q. You don't have any information or personal  
11 knowledge of how these officers were allowed  
12 to possess knives in the facility, now, do  
13 you?  
14 A. Excuse me, sir. Could you re --  
15 Q. Isn't it true that small knives like pen  
16 knives and such are allowed to be possessed  
17 by any corrections officer as long as they  
18 are approved by the warden or some other  
19 administrator of the Department of  
20 Corrections?  
21 A. As approved by the warden, I only thought it  
22 was like the captain.  
23 Q. Okay.

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1 A. I mean, as far as other officers, not to my  
2 knowledge.  
3 Q. But there's nothing wrong with these officers  
4 being able to possess a knife as long as it's  
5 been approved by the warden, correct?  
6 MR. PITTERS: Object to the form. I  
7 mean, do you know that? If she  
8 don't know that, then -- she can  
9 answer that if she knows that. I  
10 think you have to lay her some  
11 predicate that she has the  
12 requisite knowledge to base it  
13 on --  
14 MR. BIGGS: Mr. Pitters, I'm sorry,  
15 sir. I'm going to object to you  
16 coaching your witness. I  
17 mean, she either knows it or  
18 doesn't know it. You can object  
19 to the form. She can answer it if  
20 she can.  
21 MR. PITTERS: Well, I just don't  
22 want -- I'm not going to sit here  
23 and let her give answers to

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1 questions that she don't know or  
2 facts that you're presenting in  
3 evidence that she doesn't know to  
4 be factual.  
5 Q. If you don't know an answer, okay, your  
6 answer is I don't know. But you've alleged  
7 in your complaint in your own handwriting  
8 regarding knives being in possession of male  
9 officers and females possessing or not  
10 possessing knives, and that's part of the  
11 claim of your lawsuit. What I'm trying to  
12 ask you is, is how you had personal knowledge  
13 which would allow you to write a federal  
14 lawsuit which you filed yourself claiming  
15 that all -- wait a minute. Quote: Most, if  
16 not all male officers carry some kind of pen  
17 or small knives in their possession inside  
18 the institution. And I'm asking you now if  
19 you have personal knowledge of whether or not  
20 it is acceptable at Kilby Correctional  
21 Facility for male officers to carry or  
22 possess knives as long it's been approved by  
23 the warden? Do you know that?

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1 A. I don't know, sir.  
2 Q. Okay. Do you know of any female officers  
3 that possess knives?  
4 A. No, sir, not to my knowledge, I don't know,  
5 sir.  
6 Q. You would agree with me that the fact that  
7 you had a knife in your car is not the same  
8 as some of these officers possessing a knife  
9 in the facility. You'd agree with me that  
10 that's different, right?  
11 A. Yes, sir.  
12 Q. You would agree with me that the facts of  
13 your case involve you in a physical  
14 altercation in the parking lot of Kilby  
15 Correctional Facility where you actually took  
16 possession of your knife, opened the knife  
17 and attempted to use that knife, that that is  
18 completely different from these few officers  
19 just possessing a pen knife at the facility?  
20 A. No, sir, I don't agree with that.  
21 Q. Okay. Are you saying that if an officer  
22 carries a knife in the facility with  
23 permission of a warden, that that is the same



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16 (Pages 58 to 61)

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1 thing as you going to your car, getting a  
2 knife, opening a knife and attempting to use  
3 it to assault another corrections officer in  
4 the parking lot?

5 MR. PITTERS: Object to the form.

6 Q. Is that the same thing?

7 MR. PITTERS: Same objection.

8 Q. Answer if you can.

9 A. Okay. Can you ask the question again, sir?

10 Q. Did you get your answer from Mr. Pitters?

11 A. No, I didn't get my answer from Mr. Pitters.

12 I mean, it just -- how you asked the  
13 question, it -- you throwing something in  
14 there --

15 Q. All right. Well, what I'm getting at is you  
16 filed this lawsuit, and you claim denial of  
17 equal protection and due process. And on  
18 page 3, you alleged that there's -- in your  
19 argument for denial of equal protection and  
20 due process, that male officers carry some  
21 kind of pen or small knife and you, a female  
22 kept a small pocket knife, which you're  
23 telling me is in the car -- that somehow

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1 that's a denial of equal protection or due  
2 process?

3 MR. PITTERS: Objection before she  
4 answers that. Counsel, I will not  
5 have you cut her off. She was  
6 about to answer your question.  
7 Before she answers what you just  
8 represented on the record, I want  
9 her to answer what she was  
10 previously going to say before you  
11 cut her off.

12 MR. BIGGS: Well, Mr. Pitters, that's  
13 fine. I'll try to do better. But  
14 I would ask you when I have a  
15 question on the table, that that's  
16 not the time to tell your  
17 witness -- she's got to answer.  
18 And if you want to take a break  
19 and talk to her, you can. But if  
20 there's a pending question, you  
21 can't advise your client what to  
22 say.

23 MR. PITTERS: I'm -- I don't want to

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1 take a break. I want her to tell  
2 you what the -- what her answer  
3 is.

4 MR. BIGGS: Okay.

5 Q. Do you have an answer? I didn't mean to cut  
6 you off.

7 A. Yes, sir, I do. At that present time, sir, I  
8 did have a pocket knife which was in my  
9 possession as in my car, which was in the  
10 parking lot. But as with other officers,  
11 they have their knives in their possession  
12 inside the institution. Yes, that is  
13 different.

14 But the other thing is that I did have a  
15 pocket knife and I pulled the pocket knife,  
16 but I did not open the pocket knife.

17 Q. Okay. I'm going back to your complaint that  
18 you filed in August of 2005. Was that the  
19 basis then for your claims that you were  
20 treated unfairly and were denied due process?

21 MR. PITTERS: Object to the form.

22 MR. BIGGS: What's your objection?

23 MR. PITTERS: I'm not sure what you

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1 mean by what was the basis -- or  
2 was that the basis. What are you  
3 referring to?

4 MR. BIGGS: I'm referring to the  
5 lawsuit that she wrote herself and  
6 she acted as her own attorney.

7 MR. PITTERS: What are you referring to  
8 when you say was that the basis?  
9 Was what the basis?

10 Q. Well, let me ask you this. In August of  
11 2005, what was your argument that you were  
12 denied equal protection and denied due  
13 process?

14 A. Due to the fact that as of -- I just said  
15 that the knife was in my car, due to the fact  
16 of male officers have knives in their  
17 possession inside the institution. At that  
18 present the time when the knife was in my  
19 car, that was for my protection outside in  
20 the street wise, because I'm only a single  
21 parent. It was not for me to have as -- I  
22 came to work that day and forgot it was in my  
23 car because I don't usually come to work with



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17 (Pages 62 to 65)

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1 a knife in my car. As of that day, it was --  
2 just happened to be in my car. But it was  
3 not pulled to immediately as of to harm  
4 somebody, but it's to ward off people from  
5 coming to me as aggressive. And that was for  
6 my defense.  
7 Q. Okay. And are you saying that was why you  
8 filed this lawsuit for denial of equal  
9 protection?  
10 A. Yes. Because I feel like I shouldn't have  
11 lost my job for that.  
12 Q. How were you denied due process?  
13 A. As of to the grievances that I had filed --  
14 two grievances that I -- a complaint and a  
15 grievance that I had filed, it was not  
16 answered.  
17 Q. Are those grievances attached to your  
18 complaint here?  
19 A. Yes, sir, it is.  
20 Q. All right. We'll get to those in a minute.  
21 And you were denied due process because  
22 someone didn't answer those grievances?  
23 A. Yes, sir.

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1 Q. Who did you expect to answer those  
2 grievances?  
3 A. As of in the regulation that say you have to  
4 file certain steps. And my first one was  
5 filed to my supervisor. Then the next one I  
6 filed to Warden McDonnell.  
7 Q. Okay. What are you referring to? Is it in  
8 State's -- Defendant's Exhibit #2 that you're  
9 referring to? Let's go to the grievances.  
10 A. On the very last page.  
11 Q. Okay.  
12 A. It was the complaint.  
13 Q. All right. And what I'm looking at, it says  
14 grievance, but it's G-R-I-V-A-N-C-E, slash,  
15 complaint form. And it's got your signature  
16 on it and it's got February 17th of '05.  
17 Have I got the right document?  
18 A. Yes, sir.  
19 Q. Okay. When did you fill this out?  
20 A. On February 17th, 2005.  
21 Q. Okay. And why did you fill this out?  
22 A. Because as of to that day when I was -- went  
23 on mandatory leave, when I came into work

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1 that next day, I was pulled -- stopped up  
2 front and I was told that the warden had  
3 wanted to see me. And Officer Nelson and  
4 Officer Colbert was at work and presently  
5 working at the time while I was in a  
6 conference with the warden on mandatory  
7 leave -- to be placed on mandatory leave.  
8 Q. Okay. This was at a meeting that you had  
9 with Warden McDonnell?  
10 A. Yes, sir, after the meeting I had with Warden  
11 McDonnell.  
12 Q. Okay. And you were placed on mandatory leave  
13 after that day?  
14 A. Yes, sir.  
15 Q. And then, thereafter, you were placed on  
16 mandatory leave, you felt that you needed to  
17 file this grievance or complaint form?  
18 A. Yes, sir.  
19 Q. Okay. Did anyone direct you to do that?  
20 A. I got the complaint form that I had got  
21 from -- I had already had one and I had a  
22 copy made of this same one from Kilby -- I  
23 had a copy of one, and then I had a copy made

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1 from this one that I had already received  
2 from Kilby of a complaints form.  
3 Q. Okay. And tell us how you were denied due  
4 process as a result of you filing this  
5 particular grievance form and any results  
6 thereafter.  
7 A. Because I didn't receive any -- any response  
8 from which it was filed to from Tchernavia  
9 Blackmon, my lieutenant, and Kenneth Cash was  
10 my sergeant. I didn't receive any response  
11 from them.  
12 Q. Did you expect a response after you had  
13 already been placed on mandatory leave?  
14 A. Well, yes.  
15 Q. Okay. What kind of response did you expect  
16 to receive?  
17 A. Whatever they had -- I mean, had to say as of  
18 dealing with the complaint I filed.  
19 Q. Was this before or after the pre-dismissal  
20 conference, this complaint? Well, I'll tell  
21 you. I see a notice of pre-dismissal  
22 conference from Warden McDonnell to you dated  
23 February 18th, 2005. Do you recall that?

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18 (Pages 66 to 69)

Page 66

1 A. Of the notice of intent to recommend  
 2 dismissal?  
 3 Q. No, ma'am. It's the notice of pre-dismissal  
 4 conference.  
 5 A. Pre-dismissal conference. Yes, sir.  
 6 Q. Okay. That was dated February 18th, 2005,  
 7 correct?  
 8 A. Yes, sir.  
 9 Q. Was that the day after you purportedly filed  
 10 this grievance form?  
 11 A. Yes, sir.  
 12 Q. And you actually signed that on February  
 13 18th, 2005, did you not?  
 14 A. Yes, sir.  
 15 Q. Okay. And in that memorandum from Warden  
 16 McDonnell, he outlines the facts as he saw it  
 17 and was the result of the I & I investigation  
 18 as to what happened in the parking lot on  
 19 February 10th, 2005, correct?  
 20 A. Yes, sir.  
 21 Q. It outlines some specific parts of  
 22 Administrative Reg 207 and Administrative Reg  
 23 208, correct?

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1 A. Yes, sir.  
 2 Q. Okay. So you were well aware on February  
 3 18th, 2005, that there was going to be a  
 4 pre-dismissal conference, correct?  
 5 A. Yes, sir.  
 6 Q. Okay. Tell us how you were denied due  
 7 process when you are aware there is going to  
 8 be a pre-dismissal conference on February  
 9 18th as a result of you filing this grievance  
 10 form dated February 17th, 2005.  
 11 A. Ask that again, now.  
 12 Q. Okay.  
 13 A. Ask the question again.  
 14 Q. As I understand, your testimony is that your  
 15 claims for denial of due process is because  
 16 someone didn't respond to your grievance  
 17 dated February 17th, 2005; is that correct?  
 18 A. Uh-huh.  
 19 Q. You have to answer yes or no.  
 20 A. Yes, sir.  
 21 Q. Okay. But the next day, the warden sent you  
 22 a memo indicating that as a result of the  
 23 events of February 10th, 2005, there was

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1 going to be a pre-dismissal conference; is  
 2 that correct?  
 3 A. Yes, sir.  
 4 Q. I'm trying to understand what more process do  
 5 you say that you were due as a result of you  
 6 filing the grievance form of February 17th,  
 7 2005?  
 8 A. From when I had filed it on the 17th. And  
 9 then I got a letter from him on the 18th of a  
 10 notice of a pre-dismissal conference.  
 11 Q. What more process do you think you were due  
 12 as a result of you filing this thing on  
 13 February 17th, 2005?  
 14 A. I don't know. I don't know.  
 15 Q. Do you have any other basis for your claims  
 16 of denial of due process?  
 17 A. No, sir.  
 18 Q. All right.  
 19 MR. PITTERS: Greg, I'm sort of  
 20 confused. I don't know if you  
 21 want me to stay on the record or  
 22 what. But which one were you --  
 23 which grievance were you referring

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1 to when -- with regard to this --  
 2 that line of questioning? Because  
 3 I don't see --  
 4 MR. BIGGS: She's on Defendant's  
 5 Exhibit #2, which is the complaint  
 6 that she filed, the handwritten  
 7 complaint. As part of some of the  
 8 documents she attached when she  
 9 represented herself pro se, the  
 10 last page on Defendant's Exhibit  
 11 #2 is a grievance filed by her on  
 12 February 17th, 2005. Do we have  
 13 Defendant's Exhibit #2?  
 14 MR. PITTERS: Okay. Because mine was  
 15 missing that page. Okay.  
 16 MR. BIGGS: Her testimony was, in  
 17 regards to the claim of denial of  
 18 due process is that no one  
 19 responded to her grievance of  
 20 February 17th, 2005. And I was  
 21 simply asking her what more  
 22 process was due in her mind when  
 23 she filed the complaint on August

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19 (Pages 70 to 73)

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1 of 2005 when the warden responded  
2 the next day that she was going to  
3 be fired or -- or her  
4 pre-dismissal conference.  
5 A. As of the next day, it wasn't for me to be  
6 fired. It was just a notice of a  
7 pre-dismissal.  
8 Q. I understand that. Okay. What I'm asking  
9 you is when you filed your complaint, what  
10 more process did you -- do you suggest was  
11 due to you as a result of you filing that on  
12 February 17th, 2005?  
13 A. I was taking the correct actions of filing it  
14 in the steps as they say you file it with the  
15 your immediate supervisor and then from there  
16 on. That's what I did.  
17 Q. But you expected somebody to respond to that  
18 other than the warden responding the next day  
19 with a notice of pre-dismissal conference?  
20 A. Well, it's supposed to have been filed in the  
21 correct order and as I filed it with the  
22 lieutenant and the sergeant. I didn't  
23 receive no action. Next I received action

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1 from the warden.  
2 Q. Okay. You expected someone other than the  
3 warden to file a response to your grievance  
4 form of February 17th, 2005?  
5 A. No. Like I said, I was going by the steps  
6 that you follow.  
7 Q. Okay. What steps are you talking about?  
8 A. I don't really have exactly any with me.  
9 It's steps that you follow when you filed a  
10 grievance. You have to file it with your  
11 immediate supervisor. From there as of to  
12 the captain get with them. Then from there  
13 it goes to -- on up to the warden.  
14 Q. Okay. So you're saying there's more that  
15 needed to be done prior to the warden issuing  
16 the letter of February 18th -- or memo of  
17 February 18th, 2005?  
18 A. Yes, sir, it should have been more  
19 investigation of the incident.  
20 Q. Okay. Are you saying that the investigation  
21 that was conducted in your case was  
22 deficient?  
23 A. Yes, sir.

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1 MR. PITTERS: Can we take a break real  
2 quick?  
3 MR. BIGGS: Sure. Take a break.  
4 (Brief recess)  
5 Q. We're back from a break. Ms. Hendricks, we  
6 were talking about due process and your  
7 claims of your lawsuit that you filed in  
8 August of 2005. Who do you say denied you  
9 due process and denied you equal protection?  
10 MR. PITTERS: Object to the form.  
11 A. Can you repeat the question again? Who  
12 denied me or --  
13 Q. Yeah. In your lawsuit and in your amendment  
14 to the lawsuit, the only defendants I see are  
15 Mr. McDonnell and the Alabama Department of  
16 Corrections; is that correct?  
17 A. Yes, sir.  
18 Q. Okay. Are there any other defendants that  
19 you claim in your lawsuit violated your equal  
20 protection rights or your due process right?  
21 A. No more than who I filed it to was Lieutenant  
22 Blackmon and CO-I -- I mean, Sergeant Cash.  
23 Q. Okay. But you didn't name them in the

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1 lawsuit?  
2 A. No, sir. So it was Warden McDonnell.  
3 Q. Okay. Can you tell me how Warden McDonnell  
4 denied you equal protection and/or denied you  
5 due process?  
6 A. Well, at the time of when I filed it, it was  
7 on the 17th of February, 2005. Then, on the  
8 18th of February, 2005, I received a notice  
9 of a pre-dismissal conference. And at that  
10 time, me not knowing I was having a  
11 pre-dismissal conference, but I filed my  
12 complaint form.  
13 Q. Are you talking about your lawsuit or your  
14 grievance that you filed on February 17th?  
15 A. My grievances that I filed.  
16 Q. Okay. If you can, articulate how Warden  
17 McDonnell wronged you in any way.  
18 A. Because I wasn't -- I wasn't treated fairly  
19 as the other employees of situations that had  
20 happened.  
21 Q. Okay. And that's the basis for your denial  
22 of equal protection?  
23 A. Yes.



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20 (Pages 74 to 77)

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1 Q. Okay. How did Warden McDonnell deny you due  
2 process?  
3 A. Because at the time when I filed it on the  
4 17th, me not knowing that I was going to  
5 receive a letter on the 18th of a  
6 pre-dismissal conference.  
7 Q. Okay. Are you saying that Warden McDonnell  
8 should have done something differently?  
9 A. Yes, sir. He should have gave me a chance to  
10 explain the side of my story of what had  
11 happened and the situation. Instead of me  
12 explaining it at the time of my dismissal  
13 hearing, I should have explained it before  
14 the dismissal hearing.  
15 Q. I want to go back to Defendant's Exhibit #2,  
16 your -- your original lawsuit. Turn to page  
17 5 of that. Are you at page 5?  
18 A. Yes, sir.  
19 Q. Okay. That's a continuation of something you  
20 started on page 4, but it appears that you've  
21 attempted to, in your complaint, cite an  
22 Administrative Reg 207; is that correct?  
23 A. There where you're talking about, at the top

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1 of the page?  
2 Q. Yes, ma'am. You said this section states no  
3 employee shall carry any firearms, tear  
4 gas --  
5 A. Yes, sir.  
6 Q. That refers to something that you talked  
7 about on the page before. You talk about  
8 Administrative Reg 207; is that correct?  
9 A. Yes, sir.  
10 Q. Let me show you what's been marked as  
11 Defendant's Exhibit #4.  
12 MR. BIGGS: And I have you a copy,  
13 Mr. Pitters.  
14 Q. That is Administrative Reg 207 dated May  
15 11th, 2004, is it not?  
16 A. Yes, sir.  
17 Q. Are you familiar with this reg?  
18 A. Yes, sir.  
19 Q. Okay. Were you familiar with this reg back  
20 in August of 2005?  
21 A. Yes, sir.  
22 Q. Okay. Look on page 4 of this reg, number  
23 eleven. Do you see that?

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1 A. Yes, sir.  
2 Q. Okay. It says carry any weapon, any tear  
3 gas, ammunition, blackjack into the  
4 institution or on the grounds of any ADOC  
5 state property except as authorized by  
6 warden/division director, do you see that?  
7 A. Yes, sir.  
8 Q. Did you know that administrative reg back in  
9 August of 2005?  
10 A. Yes, sir.  
11 Q. Okay. I'm trying to understand because I  
12 look and you say the Administrative Reg  
13 section 3-C-9, which is different than the  
14 reg I see. Where did you get your  
15 Administrative Reg at?  
16 A. I looked in a -- it was from an old book --  
17 from the 207 -- from the 207 in which we had  
18 an old book of our regs.  
19 Q. What was the date of that old reg?  
20 A. November the 2nd, 1994.  
21 Q. Okay. All right. So your citation of that  
22 reg was accurate -- you just had the wrong  
23 reg?

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1 A. Yes, sir.  
2 Q. Or wrong date of the reg?  
3 A. Just had the wrong date of the reg.  
4 Q. Okay. But you would agree with me that  
5 Defendant's Exhibit #4 was an administrative  
6 reg that was in existence at the time of the  
7 events of your lawsuit?  
8 A. State -- repeat that again, sir.  
9 Q. Okay. Defendant's Exhibit #4 is  
10 Administrative Reg 207. It's dated May 11th,  
11 2004, correct?  
12 A. Yes, sir.  
13 Q. This Administrative Reg was in existence in  
14 2005, correct?  
15 A. Yes, sir.  
16 Q. Okay. This is dated later than the reg that  
17 you have?  
18 A. Okay. Yes, sir.  
19 Q. Okay. And this reg suggests that employees  
20 shall not carry any weapon, tear gas,  
21 ammunition or blackjack into the institution  
22 or on the grounds of any ADOC state property  
23 except as authorized by the warden,

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21 (Pages 78 to 81)

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1 commissioner, director. Would you agree with  
2 me that that's what that says, and that was  
3 in existence at the time that you filed this  
4 lawsuit?  
5 A. Was it in existence at the time that I filed  
6 the lawsuit?  
7 Q. Yes, ma'am.  
8 A. Yes, sir.  
9 Q. And it was in existence at the time of your  
10 altercation in the parking lot at Kilby,  
11 correct?  
12 A. Yes, sir.  
13 Q. Okay. At the time that you had your knife in  
14 the possession -- strike that. At the time  
15 your knife was in your car on February 10th,  
16 2005, you did not have any authorization from  
17 the warden or division director to have that  
18 knife in your car, correct?  
19 A. Correct.  
20 Q. Okay. On February 10th, 2005, you would  
21 agree with me that the parking lot at Kilby  
22 Correctional Facility is the grounds of the  
23 ADOC?

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1 A. Correct.  
2 Q. Okay. You would agree with me that a knife  
3 is a weapon?  
4 A. Correct.  
5 Q. You would agree with me that as part of your  
6 job as a Corrections Officer I is to know the  
7 regs that are in effect at the time that  
8 you're working?  
9 A. Yes, sir. At the time that I working. But  
10 at the present time, I did not have this reg  
11 as of the new 207 from which this reg that I  
12 had been had ever since I was at Kilby of  
13 this old reg, which was in '94. I did not  
14 have the new 207.  
15 Q. Are you saying to me you didn't have access  
16 to Administrative Reg 207 that was published  
17 May 11th, 2004?  
18 A. No, sir, I didn't. Only as of -- it was in  
19 the lieutenant's office, but I did not have  
20 it on my possession of when I had this same  
21 reg.  
22 Q. Would you agree with me part of your job as a  
23 corrections officer is to go to the

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1 lieutenant's office and review the  
2 Administrative Regs, correct?  
3 A. Correct.  
4 Q. And a copy of this was in the lieutenant's  
5 office?  
6 A. Correct.  
7 Q. So a copy of Defendant's Exhibit #4 was in  
8 the lieutenant's office. You just didn't go  
9 review it?  
10 A. No, sir, I didn't. Because at that time, I  
11 was barred from the grounds.  
12 Q. Well, I'm asking you on February 10th, 2005,  
13 or any time prior to that, you had an  
14 opportunity to go to the lieutenant's office  
15 and review Defendant's Exhibit #4, did you  
16 not?  
17 A. Yes.  
18 Q. And that's part of your job as a corrections  
19 officer to do that?  
20 MR. PITTERS: Object to the form. Is  
21 that part of your job?  
22 THE WITNESS: Not only to read the regs  
23 but only if the book is in the

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1 office. But at the present time,  
2 the book wasn't always in the  
3 office.  
4 Q. Why do you say that?  
5 A. Because it's been times when other officers  
6 had asked for the book with the regulations  
7 in it. Lieutenant Blackmon would have the  
8 book.  
9 Q. How many times did you go to the lieutenant's  
10 office prior to February 10th, 2005, and  
11 after May 11th, 2004, to review the  
12 administrative regulations?  
13 A. I can't recall.  
14 Q. Well, once, twice, ten? Give me your best  
15 guess.  
16 A. It probably was like a couple of times,  
17 because I was taking the -- I was going to  
18 take the sergeant's test.  
19 Q. Okay. So at least a couple of times you went  
20 to the lieutenant's office to review the  
21 administrative regs, correct?  
22 A. Yes, sir.  
23 Q. And that occurred after May 11th, 2004?

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22 (Pages 82 to 85)

Page 82

- 1 A. Yes, sir.  
2 Q. And are you saying that the copy of  
3 Defendant's Exhibit #4 was not there?  
4 A. No, it wasn't, because Officer Staples had  
5 the book and Lieutenant Blackmon had the book  
6 a couple of times. And another officer had  
7 the book, because we took the test. We was  
8 taking the test at the same time.  
9 Q. So your purpose in reviewing the regs on  
10 those occasions was in preparation to take  
11 a sergeant's test?  
12 A. Sergeant test.  
13 Q. Okay. But you agree with me that regardless  
14 of whether or not you were going to take the  
15 sergeant test or not, part of your job as a  
16 Corrections Officer I is to know the  
17 administrative regs, correct?  
18 A. Correct.  
19 Q. And you failed to do that, didn't you?  
20 A. Yes.  
21 Q. Okay. And other than the couple of times  
22 that you wanted to study for the sergeant's  
23 exam, you could have gone to the lieutenant's

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- 1 office and reviewed the regs but you didn't?  
2 A. Yes. And number one, when they tell us they  
3 are updated.  
4 Q. But it's up to you to do that, correct?  
5 A. I don't know about that. If it's up to me or  
6 not. All we know is we have the rules and  
7 regulations.  
8 Q. Okay. If, in fact, this was the  
9 Administrative Reg on February 10th, 2005,  
10 you brought an unauthorized weapon into your  
11 car on State property of the Alabama  
12 Department of Corrections without  
13 authorization, correct?  
14 A. Correct.  
15 Q. Okay. How many times did you bring that  
16 knife to Kilby Correctional Facility in your  
17 car prior to February 10th, 2005?  
18 A. That was my first time, because as I said, I  
19 don't never bring -- I don't never bring a  
20 knife to work --  
21 Q. Okay. Turn to page -- it's the first page  
22 after page 9 of your lawsuit on Defendant's  
23 Exhibit #2. And it says it's dated March

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- 1 17th, 2005.  
2 A. Yes.  
3 Q. Okay. Did you fill this out?  
4 A. Yes, sir.  
5 Q. And that's your signature and it's dated  
6 March 17th, 2005, correct?  
7 A. Yes, sir.  
8 Q. And these are your words that you formed on  
9 that date in March, correct?  
10 A. Yes, sir.  
11 Q. Okay. Go to the next page. It says  
12 continuation of remedy sought. Are these --  
13 is this your handwriting on this page?  
14 A. Yes, sir.  
15 Q. And this was dated or written on March 17th,  
16 2005 as well, correct?  
17 A. Yes, sir.  
18 Q. The next page is another statement of yours,  
19 but I'm assuming it was written on the same  
20 day of March 17th, 2005?  
21 A. Yes, sir.  
22 Q. Go to the next page. It says Grievance Form  
23 for Step 3. Is this in your handwriting?

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- 1 A. Yes, sir.  
2 Q. Okay. When did you fill this out?  
3 A. March the 1st, 2005.  
4 Q. And why did you fill this out?  
5 A. Because I took the next step to where I  
6 didn't receive one from -- a response from  
7 the first one -- the complaint that I first  
8 filed with Lieutenant Blackmon and Sergeant  
9 Cash. This was my second one.  
10 Q. Okay.  
11 A. And my third one was filed with Warden  
12 Terrance McDonnell again on 3/17/05.  
13 Q. Okay. So this particular page that's  
14 attached to your complaint, you said you  
15 filled this out on March 1st, 2005. And it  
16 came after the February 17th grievance,  
17 correct?  
18 A. Yes.  
19 Q. Okay. Can you tell me why you filled this  
20 out when you've already received a memo from  
21 Warden McDonnell giving you notice of a  
22 pre-dismissal conference?  
23 A. Because I felt like I was treated unfairly.



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23 (Pages 86 to 89)

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1 Q. Okay. Is it a form that you filled out in  
 2 hopes of countering the notice that you were  
 3 going to -- given a pre-dismissal conference?  
 4 MR. PITTERS: Object to the form.  
 5 Q. That's probably a good objection. I guess  
 6 what I'm trying to ask you is you already  
 7 have notice there's going to be a  
 8 pre-dismissal conference. I'm just trying to  
 9 understand why you would continually -- or  
 10 file a second grievance knowing that you've  
 11 already given notice that there's going to be  
 12 a pre-dismissal conference set up.  
 13 A. Well, at the time when I filed the first one,  
 14 I did not know it was going to be a  
 15 pre-dismissal. And this is the day -- this  
 16 was filed the day before the dismissal.  
 17 Q. I understand. But on February 18th, 2005,  
 18 you had a memo from the warden saying there's  
 19 a notice of pre-dismissal conference. You  
 20 didn't receive any response from the February  
 21 17th grievance. And then you filed this on  
 22 March 1st. I'm trying to understand why you  
 23 would do that.

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1 A. I just filed the next step.  
 2 Q. Okay. The next step that you thought that  
 3 you ought to file regardless of whether or  
 4 not you received a memorandum from the warden  
 5 of a pre-dismissal conference?  
 6 A. Not regardless whether I received it. It  
 7 just that I didn't think I was going to be  
 8 dismissed for -- as of I had a  
 9 pre-dismissal. Then next I turned around and  
 10 I had a dismissal. Like I said, this was  
 11 filed the day before a dismissal.  
 12 Q. Are you telling me that on March 1st, 2005,  
 13 when you filed this, you had no idea you were  
 14 going to be dismissed?  
 15 A. No, sir, I didn't. A pre-dismissal. I had a  
 16 pre-dismissal -- recommended for a  
 17 pre-dismissal. But the next thing I know, I  
 18 was dismissed.  
 19 Q. Okay. Looking down at the remedy, it says,  
 20 For my actions, I deserve some form of  
 21 discipline guidance, but not dismissal. Are  
 22 those your words?  
 23 A. Correct.

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1 Q. So you were aware that there was a  
 2 possibility you were going to be dismissed,  
 3 correct?  
 4 A. Well, what I told, it wasn't that I was going  
 5 to be dismissed from -- when I first went  
 6 back, I wasn't going to be dismissed. It was  
 7 just -- this is just a step that we go  
 8 through as a pre-dismissal of all that.  
 9 Q. Tell me what you mean by, For my actions, I  
 10 deserve some form of discipline.  
 11 A. Some form of discipline means I should have  
 12 got reprimanded or suspended for some days or  
 13 something due to other employees that have  
 14 the same similarities as of my situation.  
 15 They did not receive a dismissal at all, but  
 16 I did.  
 17 Q. Okay. So you agree with me that you did  
 18 something wrong on February 10th, 2005,  
 19 whereby you deserve some sort of discipline?  
 20 MR. PITTERS: Object to the form.  
 21 A. Can you repeat the question again, sir?  
 22 Q. Okay. I'm just using your words. You're  
 23 saying, For my actions, I deserve some form

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1 of discipline. What actions are you talking  
 2 about whereby you deserve discipline?  
 3 A. To where I should have been punished but not  
 4 should have been -- for a dismissal.  
 5 Q. Would you agree with me that if you think on  
 6 March 1st, 2005 you need to be punished,  
 7 there is a reason why you should be punished?  
 8 A. There is a reason?  
 9 Q. Yes, ma'am.  
 10 A. I don't know.  
 11 Q. You don't know?  
 12 A. Unh-unh. I don't know.  
 13 Q. Are you saying that you should be punished  
 14 and you did nothing wrong?  
 15 A. No. I'm not saying I didn't do anything  
 16 wrong. I mean, I know what I did was wrong,  
 17 but to my discretion of what I did, it was  
 18 for my self defense.  
 19 Q. What did you do wrong?  
 20 MR. PITTERS: Object to the form.  
 21 Counsel, with all due respect,  
 22 could you let her finish answering  
 23 the question. I'm not sure.

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24 (Pages 90 to 93)

Page 90

- 1 Q. I'm sorry. Were you finished?  
2 A. No, sir, I wasn't.  
3 Q. Keep going. I'm sorry. I apologize. And  
4 I'll ask you what you did wrong in a minute.  
5 A. No. What I said was I know that what I did,  
6 it was wrong. But two other employees, they  
7 have done the similarity of things that they  
8 have done, but no action wasn't taken or no  
9 dismissal was not taken for those employees.  
10 And, I mean, I -- I know -- like I said, I  
11 know what I did was wrong, but -- I did pull  
12 the pocket knife, but I didn't open the  
13 pocket knife. But I used it as of to my  
14 defense just to ward them off as just holding  
15 it in my hand due to the aggressive one which  
16 was Mrs. Colbert.  
17 Q. Are you finished?  
18 A. Uh-huh.  
19 MR. PITTERS: Is that a yes?  
20 A. Yes.  
21 Q. What did you do wrong?  
22 MR. PITTERS: I can put on the  
23 record --

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- 1 MR. BIGGS: Counsel, there's a question  
2 on the table.  
3 MR. PITTERS: I can put on the  
4 record -- I understand.  
5 MR. BIGGS: And I would wish you would  
6 respond to my question before you  
7 take a break. If you want to take  
8 a break, you can.  
9 MR. PITTERS: I don't want to take a  
10 break, Counselor. But she just --  
11 immediately the record will  
12 reflect once again to the  
13 answer -- to the question that you  
14 put to the witness. The witness  
15 response was uh-huh. And I'm  
16 trying to get the witness to  
17 remember that she needs verbal  
18 responses for clarity of the court  
19 reporter's record. Uh-huh,  
20 unh-unh is what we use in  
21 colloquial. This is a formal  
22 proceeding, and I want her to  
23 remember to say yes or no so for

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- 1 clarity of the record.  
2 MR. BIGGS: Thank you.  
3 MR. PITTERS: Go ahead.  
4 Q. There's a question on the table.  
5 A. Okay. Repeat the question, sir.  
6 Q. What did you do wrong?  
7 A. I did pull a pocket knife, but I did not open  
8 the pocket knife.  
9 Q. Okay. Why is pulling the pocket knife wrong?  
10 A. Why is it wrong?  
11 Q. Yes, ma'am.  
12 A. I'm kind of stuck right there, sir.  
13 Q. Why are you stuck?  
14 A. Because you -- you asking me why is it  
15 wrong. I mean, as of to my defense, I don't  
16 see it's wrong.  
17 Q. Okay. Well, I'm getting -- to be frank with  
18 you, you just testified a few seconds ago "I  
19 know what I did was wrong." Now you're  
20 saying it's not wrong?  
21 A. Because I was on State property. It was  
22 wrong for me to be on State property.  
23 Q. With a knife?

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- 1 A. Yes. But me not knowing that at the time,  
2 like I said, I don't usually carry no knife  
3 on State property with me. At that present  
4 time, it was just in my car.  
5 Q. Okay. Are those the only actions of yours  
6 whereby you say you deserve some form of  
7 discipline or guidance?  
8 A. My action was for what I did, I pulled -- I  
9 did pull a pocket knife, but I did not open  
10 it. And my discipline was for me to  
11 receive -- not knowing that I was going to  
12 receive a dismissal.  
13 Q. Would you agree with me that you need to be  
14 punished because you pulled a knife but  
15 didn't open it?  
16 A. Yes, because I was on State property, if  
17 that's what you're saying.  
18 Q. No, it's -- it's what you're saying, ma'am.  
19 I'm trying to understand what you're saying.  
20 You testified that what you did was wrong.  
21 Now, I'm trying to understand in your mind  
22 why you think what you did was wrong.  
23 A. Because I pulled the pocket knife.

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25 (Pages 94 to 97)

Page 94

- 1 Q. Okay. So on that occasion on February 10th,  
2 2005, you pulled a pocket knife and it was  
3 wrong?  
4 A. Yes.  
5 Q. Why did you say in the second line for the  
6 remedy sought, quote: I am willing to attend  
7 and complete anger management?  
8 A. Because I was told by some employees that if  
9 I take an anger management class, it would  
10 help me. But I don't see I need no anger  
11 management class.  
12 Q. Who told you you needed anger management?  
13 A. Other former employees, because of the  
14 situation of how it happened and how it  
15 escalated.  
16 Q. Who were those former employees?  
17 A. I can't remember at this present time.  
18 Because I mean, I talked to so many people at  
19 that present time.  
20 Q. Are you saying you don't have an anger  
21 management problem?  
22 A. No, sir.  
23 Q. Okay. But you did put that down on this form

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- 1 that you were willing to do that?  
2 A. But, yes, sir, I was willing to do that, yes,  
3 sir.  
4 Q. Even if you don't need it?  
5 A. Even if I don't need it. I mean, that was  
6 just to help, you know, protect myself for my  
7 job.  
8 Q. Okay. The next pages are several handwritten  
9 pages. And it's signed Felicia Hendricks.  
10 Is that your handwritten statement?  
11 A. Yes, sir.  
12 Q. Okay. Was this particular collection of  
13 papers in your handwriting attached to the  
14 grievance form that you filed on March 1st,  
15 2005?  
16 A. No, sir. This is what I wrote, because at  
17 that present time, I was not asked to write a  
18 statement at all.  
19 Q. Okay. When you say at that present time,  
20 what do you mean? What time are you talking  
21 about you were not asked to write?  
22 A. I was not asked at no time.  
23 Q. To write a statement?

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- 1 A. No, sir. This was my own statement I wrote  
2 and put it in with my grievance way after.  
3 Q. Oh, okay. Okay. You put that with your  
4 grievance?  
5 A. It wasn't with -- I filed my grievance,  
6 but this is with my grievance that I have  
7 that's now as of to all the other grievance  
8 and to --  
9 Q. When did you write all that -- this  
10 handwritten -- when did you write it?  
11 A. This was written way after like the middle of  
12 March.  
13 Q. All right. And it's followed up by the  
14 petition and some other statements that were  
15 attached to your complaint, correct?  
16 A. Yes, sir.  
17 Q. Okay. I'm showing you what's Defendant's  
18 Exhibit #3. Is that your amendment to your  
19 original complaint?  
20 A. Yes, sir.  
21 Q. Okay. Are all your allegations in this  
22 lawsuit contained in the original complaint  
23 and in that amendment, Defendant's Exhibit

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- 1 #3?  
2 A. Yes, sir.  
3 Q. Okay. I don't want to ask you any questions  
4 about that. You testified a little while ago  
5 that, number one, you felt like there wasn't  
6 an adequate investigation done, correct --  
7 A. Yes.  
8 Q. -- in this case. You also testified that you  
9 never were allowed to give a written  
10 statement, correct?  
11 A. Yes.  
12 Q. Okay. To your knowledge, there was an  
13 investigation done by the I & I Division of  
14 the Alabama Department of Corrections; is  
15 that not correct?  
16 A. Correct.  
17 Q. Okay. Do you remember an investigator by the  
18 name of Errick Demus?  
19 A. Yes.  
20 Q. Okay. Did he interview you?  
21 A. Yes.  
22 Q. And he interviewed you on -- well, shortly  
23 after February 10th, 2005, correct?



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26 (Pages 98 to 101)

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1 A. Yes.  
 2 Q. Okay. And he interviewed you where?  
 3 A. At Kilby.  
 4 Q. Okay. And when was that statement taken by  
 5 Investigator Deramus?  
 6 A. I can't recall his exact date.  
 7 Q. Was it before your meeting with Warden  
 8 McDonnell?  
 9 A. I can't recall. I mean, I can't recall  
 10 exactly.  
 11 Q. Okay. Defendant's Exhibit #9.  
 12 MR. PITTERS: Help the court reporter  
 13 out. Is it Deramus or Demus?  
 14 Because --  
 15 MR. BIGGS: I don't know.  
 16 THE WITNESS: Demus.  
 17 MR. BIGGS: Is it Demus?  
 18 THE WITNESS: Demus.  
 19 MR. BIGGS: I apologize.  
 20 THE COURT REPORTER: How do you spell  
 21 it?  
 22 MR. BIGGS: I don't know. I've been  
 23 with Corrections for year. I

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1 don't know everybody.  
 2 THE WITNESS: I think it's D-E-M-U-S.  
 3 MR. BIGGS: I apologize.  
 4 THE WITNESS: If I'm not mistaken.  
 5 MR. BIGGS: Demus. I'm sorry. I can't  
 6 read my own writing.  
 7 (Off-the-record discussion)  
 8 Q. Do you see Defendant's Exhibit #9?  
 9 A. Yes, sir.  
 10 Q. Okay. I represent to you that this is a  
 11 transcription of your oral statement given to  
 12 that investigator. Would you like a few  
 13 moments to take a look at it?  
 14 A. Yes, sir.  
 15 MR. BIGGS: All right. Take a look at  
 16 it. Go ahead. Off the record.  
 17 (Off-the-record discussion)  
 18 (Brief recess)  
 19 Q. Have you reviewed Defendant's Exhibit #9?  
 20 A. Yes, sir.  
 21 Q. You don't need any more time to review that?  
 22 A. No, sir.  
 23 Q. Are these your words that you gave the

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1 investigator on that day?  
 2 A. Some words.  
 3 Q. Ma'am?  
 4 A. Yes, sir, some words.  
 5 Q. What do you mean by some words?  
 6 A. Just what I said. I mean, some words. I  
 7 mean, I can't exactly recall everything that  
 8 is exactly happening.  
 9 Q. Do you see anything in there that just you  
 10 know is an incorrect statement?  
 11 A. Yes. As to when they said I admitted to --  
 12 which I opened the knife. But I don't  
 13 remember saying that.  
 14 Q. Okay. We'll get to that in a minute. In  
 15 looking at Defendant's Exhibit #9, it has an  
 16 acronym to the left, ED and FH. On the side  
 17 of the words in capital, ED, and then capital  
 18 FH. And it's that way on the left-hand  
 19 column of this Defendant's Exhibit #9; is  
 20 that not correct?  
 21 MR. PITTERS: Object to the form.  
 22 MR. BIGGS: Sir?  
 23 MR. PITTERS: That's not correct, sir.

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1 MR. BIGGS: I'm sorry. There's not --  
 2 MR. PITTERS: Let me just cut to the  
 3 chase.  
 4 MR. BIGGS: Yeah, cut to the chase.  
 5 MR. PITTERS: I hope my hearing is not  
 6 playing tricks on me. But I  
 7 thought you said that it has  
 8 acronyms to the sides. And it has  
 9 acronyms on the left side.  
 10 MR. BIGGS: To the side. Side.  
 11 MR. PITTERS: Okay. All right. The  
 12 left side.  
 13 MR. BIGGS: I had a deposition in North  
 14 Carolina late last night, and I  
 15 flew in early this morning, and  
 16 I'm getting a little weary. And I  
 17 apologize to you, Ms. Hendricks.  
 18 Q. When it refers to FH, that is your  
 19 statements, correct?  
 20 A. Yes.  
 21 Q. Those are your statements? Okay. Looking at  
 22 the top, it says the first line, on February,  
 23 the February the 10th, 2005, at approximately

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27 (Pages 102 to 105)

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1 ten p.m., when I received my car from the  
2 front lobby, I went out to my car. I crunk  
3 my car up and sat there, and I waited on  
4 Ms. Latoya Nelson to come out. All right.  
5 What time did you work that day on  
6 February 10th, 2005?  
7 A. What time do I work?  
8 Q. Yes, ma'am.  
9 A. From two until we are relieved from our post.  
10 Q. Okay. So at ten o'clock is your normal  
11 quitting time, correct? Ten p.m.?  
12 A. Yes, sir, supposed to be.  
13 Q. Okay. So you had just gotten off work at  
14 ten p.m., correct?  
15 A. Yes.  
16 Q. And you went out to your car from the front  
17 lobby at Kilby Correctional Facility?  
18 A. Yes, sir. That's supposed to have been I  
19 received my card. Because he have to turn in  
20 ID cards.  
21 Q. Okay. I received my card from the front  
22 lobby, and I went out to my car. And I crunk  
23 my car up. Is that crunk or crank your car

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1 up?  
2 A. I crunk.  
3 Q. Okay. And you waited on Ms. Latoya Nelson.  
4 How long did you know Ms. Latoya Nelson?  
5 A. For a while, while I was at Kilby. Because I  
6 had found out she was from Troy from where my  
7 mother lived.  
8 Q. Are y'all friends or were you friends at the  
9 time?  
10 A. Yes, sir.  
11 Q. Okay. And had you went out with her on  
12 occasion prior to February 10th, 2005?  
13 A. Yes, sir.  
14 Q. And what would y'all do when you would go out  
15 on occasion?  
16 A. We went to the casino.  
17 Q. Okay.  
18 A. We been out to eat.  
19 Q. When you say casino, what are you talking  
20 about?  
21 A. The casino on Dozier Road, out to eat, me and  
22 her and Ms. Flowers. We been to McDonald's  
23 with our kids.

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1 Q. The casino on Dozier Road, what is that  
2 place?  
3 A. A gambling place, entertainment center.  
4 Q. Okay. Is it in Montgomery County?  
5 MR. PITTERS: Where is Dozier Road?  
6 A. It's right up from Kilby right by the golf  
7 course.  
8 Q. Is it run by a legal entertainment  
9 establishment?  
10 A. Well, it -- it says legal it's here. I mean,  
11 I don't --  
12 Q. Is it open to the public is what I'm trying  
13 to say?  
14 A. Yes, sir, it's open to the public.  
15 Q. Is it kind of like the dog track out there at  
16 Macon County where everybody goes out and  
17 gambles --  
18 A. Yes, sir, but they don't run dogs. They just  
19 have machines.  
20 Q. Like the video machines?  
21 A. Yes, sir.  
22 Q. Is it something like the place in Wetumpka up  
23 here where you can go and you can play video

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1 machines and video poker and such?  
2 A. Yes, sir. Only on the machines. It's just  
3 machines.  
4 Q. But it's a legitimate place, correct?  
5 A. Yes.  
6 Q. Okay. And y'all would go there together,  
7 correct?  
8 A. We met there. We would go there, yes, sir.  
9 Q. Okay. Is it not true that the reason why you  
10 waited on Ms. Latoya Nelson to come out that  
11 evening was that there were rumors being  
12 spread about you?  
13 A. I waited on her because it was rumors  
14 spread about me, yes, sir.  
15 Q. All right. What were the rumors being spread  
16 about you that caused you to want to wait in  
17 the parking lot that night?  
18 A. To -- well, I had been hearing the rumors for  
19 over like two weeks, but I never said nothing  
20 about it. It was just -- I heard it from  
21 other employees of -- nurse -- people from  
22 the nursing staff and even some inmates had  
23 came and asked me what's the problem with you

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28 (Pages 106 to 109)

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1 and Ms. Nelson. Why you and Ms. Nelson don't  
2 talk. And I'm like, well -- they saying  
3 Ms. Nelson saying that you stole some money  
4 from her. And I'm like, I didn't steal no  
5 money from Ms. Nelson. The whole situation  
6 boiled down to a hundred dollars that she had  
7 might have lost or she just misplaced.  
8 Q. So you're hearing rumors in the facility from  
9 co-employees and the inmates that someone was  
10 spreading rumors about you being a thief?  
11 A. Yes, sir.  
12 Q. And supposedly a hundred bucks that  
13 Ms. Nelson either lost or she alleges that  
14 you stole from her, correct?  
15 A. Yes, sir.  
16 Q. Okay. And the purpose of you waiting that  
17 evening was to confront her about it?  
18 A. To ask her about what was going on, yes, sir.  
19 Q. Okay. When did you decide to do that, that  
20 you were actually going to talk to her about  
21 that?  
22 A. Well, that night, because I had -- like I  
23 said, people had been coming to me. This

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1 had been going on for like two whole weeks.  
2 And then she was saying that I would -- I  
3 wouldn't speak to her, I wouldn't talk to  
4 her. I mean, what is it for me to say when  
5 you go around saying -- spreading rumors  
6 about me.  
7 Q. And during that two weeks prior to ten p.m.  
8 on February 10th, 2005, did you ever talk to  
9 her prior to then?  
10 A. No. We spoke that day. But it -- I think  
11 that day we was working different posts. And  
12 I didn't get to see her. So that's the night  
13 I waited on her and I asked her about it.  
14 Q. How did it make you feel, these rumors being  
15 spread about you in the facility?  
16 A. It don't make me -- it don't make me feel  
17 good because I don't like nobody be telling  
18 no lies on me.  
19 Q. Did it make you mad?  
20 A. Well, I was upset. But it's not nothing to  
21 be just angry toward that. Because, I mean,  
22 rumors are rumors. I mean, people going to  
23 talk regardless. But, I mean, inside the

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1 institution, as of the rules say of DOC,  
2 there's no personal or whatever should be  
3 brought inside the institution.  
4 Q. Did you have Ms. Latoya Nelson's phone  
5 number?  
6 A. Not -- I -- my phone that I had, it was in my  
7 other phone, but I had just got a new phone.  
8 Q. Did you try any other way to contact  
9 Ms. Latoya Nelson during the two weeks before  
10 February 10th, 2005, to discuss these  
11 allegations that you were a thief?  
12 A. No, sir, I didn't. Like I said, we had spoke  
13 to each other that day, and as of that night  
14 I had asked -- waited to ask her about this.  
15 Q. Why didn't you ask her about it during the  
16 day?  
17 A. Because we was -- went in. It was almost  
18 right at two. About 1:50, 1:55 then. And  
19 when you sign in, you have to go straight to  
20 your post.  
21 Q. Okay. You didn't think you ought to try to  
22 call her at home and talk to her about this?  
23 A. Well, I -- at that particular time, I

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1 didn't -- I didn't think.  
2 Q. Okay. You could have asked her for her phone  
3 number and said are you going to be home this  
4 evening, can I call you about a matter,  
5 couldn't you?  
6 A. I could have.  
7 Q. Okay. I'm trying to understand why you chose  
8 to wait in the parking lot with your knife in  
9 your car to talk to Ms. Latoya Nelson?  
10 MR. PITTERS: Object to the form.  
11 MR. BIGGS: What's the problem with  
12 that?  
13 A. Because it's -- it's not like that I was  
14 just --  
15 MR. PITTERS: Ms. -- Ms. Hendricks.  
16 MR. BIGGS: The question was to your  
17 lawyer. What was the wrong with  
18 the form of the question?  
19 MR. PITTERS: It -- implicit within the  
20 question is to answer that -- or  
21 evidence that she had the knife in  
22 the car waiting on Ms. Nelson,  
23 when the evidence, the



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29 (Pages 110 to 113)

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1 documentation and her statements  
2 suggest that it was an act of  
3 impromptu as opposed to an act of  
4 deliberation.  
5 MR. BIGGS: Well, the evidence is, is  
6 her testimony is that she never,  
7 ever carries the knife. This was  
8 the first time she's ever brought  
9 the knife to Kilby facility. The  
10 fact is she admits that she had  
11 the knife in the car with her, and  
12 this was the night she chose to  
13 talk to Ms. Nelson.  
14 There is nothing wrong with  
15 the form of my question. It's  
16 based on her testimony that she  
17 just has given here today.  
18 MR. PITTERS: Okay. That's fair  
19 enough. Go ahead.  
20 A. Well, on that particular day, that was the  
21 day that I had the knife. But, like I said,  
22 I don't usually carry the knife, because I  
23 had a problem with my radio and I had gotten

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1 the knife out of my house; and someone was  
2 fixing on my car. So I just dropped the  
3 knife in my door at that present time, and I  
4 had forgot all about the knife.  
5 Q. What kind of knife is it or was it?  
6 A. It was a small little pocket knife.  
7 Q. Was it a buck knife?  
8 A. I don't exactly know the name of the knife.  
9 All I know, it was a small little pocket  
10 knife.  
11 Q. How long was the knife when the blade was  
12 closed?  
13 A. I can't say that. It wasn't no bigger  
14 than -- ain't no bigger than this.  
15 MR. PITTERS: Let the record reflect  
16 that the witness is demonstrating  
17 the length of the knife with her  
18 fingers specifically and her thumb  
19 and the index finger on her right  
20 hand.  
21 MR. BIGGS: Would you say it's two and  
22 a half to three inches that she's  
23 trying to demonstrate? Would you

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1 agree with that?  
2 A. About three.  
3 Q. About three inches? And that's with the  
4 blade closed?  
5 A. Yes.  
6 Q. All right. Go back to Exhibit #9. And she  
7 came out, and as she came to her car, Officer  
8 Hendricks had asked Officer Nelson did you  
9 have anything you wanted to say to me. And  
10 she said a little smirk, did you use the word  
11 a little smirk?  
12 A. Well, how she said, it was a smirk.  
13 Q. Okay. You're saying at the time that you're  
14 out in the car at that time, you made a  
15 question to her, and she came back and  
16 responded no but had a smirk on her face?  
17 A. Yes.  
18 Q. How did that make you feel for her to have a  
19 smirk on her face?  
20 A. It didn't made me feel nothing. I just knew  
21 she was lying.  
22 Q. Okay. It upset you, didn't it?  
23 A. No, not really. I mean, she just --

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1 Q. Okay. This woman whose supposedly spreading  
2 rumors that you're a thief and you come out  
3 and ask her about it and she's got a smirk on  
4 her face, that didn't upset you?  
5 A. No, because of at the time when I asked her,  
6 I was not upset or nothing like that.  
7 Q. All right. And you said -- this is  
8 Defendant's Exhibit #9 -- and I said, Are you  
9 sure? And she said, Yeah, I'm sure. And I  
10 said, Why are you going around telling people  
11 I stole your money? She said, You did steel  
12 my money.  
13 So she accused you of a thief, didn't  
14 she -- of being a thief, didn't she?  
15 A. Yes, sir.  
16 Q. How did that make you feel when she came out,  
17 had a smirk on her face and accused you of  
18 being a thief?  
19 A. I mean, it didn't really bother me then.  
20 Q. Are you saying on the record that that didn't  
21 bother you?  
22 A. No, not when she had said with the little  
23 smirk, no.

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30 (Pages 114 to 117)

Page 114

1 Q. Okay. And you said in your statement, I  
2 said, Ms. Nelson, I did not steal your  
3 money. I said, I helped you that night,  
4 tried to backtrack on what you did with your  
5 money; and you sat there and you said that  
6 you was going to call the bank and check the  
7 bank and you was going to find out what  
8 happened to your money and therefore.  
9 Anyway, when you got home, you supposed to  
10 had called me, but Ms. Nelson didn't call  
11 me. So from then, when I had left, then come  
12 back the next day, it was more confrontation  
13 about that. What do you mean it was more  
14 confrontation about that? What does that  
15 mean?  
16 A. I don't know about that.  
17 Q. Okay. Are you saying you didn't make those  
18 words, it was more confrontation about that?  
19 A. No, it wasn't no more confrontation about  
20 that.  
21 Q. All right. Continue on. It says, okay.  
22 When I had asked her about the money again  
23 and she said that I said you had my money --

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1 period. Okay. And I told her I don't have  
2 her money. Period. I told her that if  
3 anything she want from me, she could ask me,  
4 much as I have helped her.  
5 Then the investigator says, Okay. Let's  
6 get to about what happened last night on the  
7 10th. Would you agree with me that the  
8 investigator referred to the night before in  
9 this statement that this statement you gave  
10 was on February 11th, 2005?  
11 A. Do I agree with you that this is the  
12 statement that was given on the 11th?  
13 Q. Yes, ma'am.  
14 A. Yes.  
15 Q. Okay. This is a statement -- your statement  
16 that you gave the day after the events of  
17 February 10th, 2005, correct?  
18 A. Yes.  
19 Q. All right. Then it goes into what you say.  
20 It says, okay, period. On the 10th of what  
21 happened, I was waiting on my car, waiting at  
22 my car for Ms. Nelson came. When Officer  
23 Nelson came to her car, I asked about the

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1 money and she said that I had her money and I  
2 told her, No, I didn't. Okay. From then on,  
3 as we was talking, things got to escalating.  
4 What happened from then on to cause  
5 things to escalate?  
6 A. She started getting loud and I got loud, and  
7 it just started escalating from there. She  
8 started getting loud. I started getting  
9 loud, and we was both hollering at each other  
10 and we was crying.  
11 Q. Okay. Were you in the car or out in the  
12 parking lot?  
13 A. Standing out beside my car and her car.  
14 Q. Okay. Now, the parking lot is how far from  
15 the fence of the prison?  
16 A. I can't say the exact distance, because I  
17 don't really know. It's a distance.  
18 Q. Would you say within 10 or 20 yards?  
19 A. Yes, sir.  
20 Q. And on the other side of the fence is the  
21 dorms where the inmates are, correct?  
22 A. Yes, sir.  
23 Q. Are they asleep at ten o'clock at night or

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1 are they still up?  
2 A. Ten o'clock, we be leaving. Some inmates be  
3 asleep, some be up or -- at that particular  
4 time, we're -- we're -- we're off from  
5 there. We was parked out towards the grass  
6 way.  
7 Q. Okay. When y'all were escalating and yelling  
8 at each other, were there inmates in the yard  
9 between the dorms and the fence?  
10 A. No, sir, because the yard closes before dark.  
11 Q. Were you yelling -- were you escalating  
12 things and yelling so that you were able to  
13 be heard by the inmates inside the prison?  
14 A. No, sir.  
15 Q. Okay. Were y'all calling each other names?  
16 A. No, sir.  
17 Q. She didn't call you a bitch or a whore or  
18 anything like that at that time and you  
19 didn't call her anything?  
20 A. No, sir.  
21 Q. Well, what were y'all saying in a loud  
22 manner? What were y'all saying to each  
23 other?

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31 (Pages 118 to 121)

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1 A. No. She was just saying if I had her money  
2 to give her her money and I told her,  
3 Ms. Nelson, I don't have your money. I said,  
4 If I had your money, I would give you your  
5 money. I said, Why do I have to steal from  
6 you all the times I had helped you? I done  
7 gave you gas money to get back and forth to  
8 work.  
9 Q. Were you mad at each other?  
10 A. No. At that time we were just -- we were  
11 just talking loudly and we both were just  
12 crying. We were just --  
13 Q. Upset about the whole event?  
14 A. Yes, sir.  
15 Q. Well, tell me what this means. This is in  
16 the same paragraph: We both was crying at  
17 each other and we both was hollering. I  
18 guess this is "hollin." The next sentence --  
19 last sentence. I had stepped to Ms. Nelson  
20 and I pushed her with my chest. No hand  
21 contact whatsoever.  
22 What does it mean, I pushed her with my  
23 chest?

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1 A. As of to what that phrase, that's what  
2 Officer Demus asked me did we bump chest to  
3 chest. And I told him, she bumped me and  
4 then I bumped her back.  
5 Q. Okay. But on February 11th, 2005, your  
6 statement was, quote: I had stepped to  
7 Ms. Nelson, and I pushed her with my chest.  
8 No hand contact whatsoever. Those are the  
9 words used on February 11th, 2005, correct?  
10 A. Yes, sir.  
11 Q. You didn't say anything about her approaching  
12 you and bumping you, now, did you?  
13 A. No, I didn't.  
14 Q. The fact is, is that you did the initial  
15 bumping with your chest; is that not correct?  
16 A. Well, we both bumped chest to chest. But I  
17 did not say that. I was told that -- when he  
18 asked me the question to put that in my  
19 statement, and that's what I did.  
20 Q. Okay. But your words is that you stepped to  
21 Ms. Nelson. She didn't step to you?  
22 A. That's what it says in writing.  
23 Q. All right. Well, if this is an accurate

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1 transcription of your words, that's what you  
2 said on February 11th, 2005, correct?  
3 A. That's what I said.  
4 Q. You don't see any words in there about  
5 Ms. Nelson stepping to you, now, do you?  
6 A. No, I don't see no -- in there -- in that  
7 situation, no, I don't.  
8 Q. But you never stated that to the  
9 investigator, did you, that she stepped to  
10 you first, now, did you?  
11 A. No, sir, I didn't.  
12 Q. Okay. So you're the one that initiated  
13 physical contact with Ms. Nelson, correct?  
14 A. Yes.  
15 Q. The second page, you kind of go into that,  
16 now, don't you? He asked you so you're  
17 saying you stepped up to her and put your  
18 chest to her chest. And your answer was,  
19 yes, sir, I did. Is that correct?  
20 A. That's correct. That's what I said.  
21 Q. Kind of bumped her in her chest, and you said  
22 it again, yes, sir, I did, correct?  
23 A. Yes. He asked.

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1 Q. Okay. And he asked did she have -- did she  
2 go backwards? And your answer was, Yes,  
3 sir. And then she stepped back forward to  
4 me. Those are your words, correct?  
5 A. Yes, sir.  
6 Q. You didn't say anything about her doing  
7 anything to you first other than hollering  
8 before you initiated you bumping her chest --  
9 to her chest, correct?  
10 A. Yes, sir.  
11 Q. Then he asked what happened after that. And  
12 let me stop right there. Would you agree  
13 with me that you're in violation of  
14 Administrative Reg 207 when you initiated  
15 bumping your chest to her chest in the  
16 parking lot of Kilby Correctional Facility on  
17 February 10th, 2005?  
18 MR. PITTERS: Object to the form.  
19 Which one? 207 or you said 208?  
20 MR. BIGGS: 207.  
21 MR. PITTERS: Counsel, that's in  
22 accordance with my objection.  
23 That document is a five-page



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32 (Pages 122 to 125)

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1 document. With all due respect  
2 and courtesy to the witness, if  
3 there's some specific violation  
4 that -- or provision of the  
5 regulation that you are  
6 representing to the witness that  
7 she violated, you know, it would  
8 be -- I would request that you  
9 point it out to her so that she  
10 can concur or refute your  
11 representation that she was in  
12 violation.  
13 MR. BIGGS: Okay.  
14 Q. Would you agree with me that by you bumping  
15 your chest on the parking lot that evening,  
16 that you obeyed rule Roman Numeral V(a)(7),  
17 observing all laws, rules, and regulations?  
18 A. Let me find something just a minute.  
19 Q. Let me withdraw that question and I'll ask  
20 you another one. Would you agree with me  
21 that when you bumped her chest in the parking  
22 lot on the February 10th, 2005, that you  
23 assaulted Ms. Nelson?

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1 MR. PITTERS: Object to the form. And  
2 I'm going to instruct the witness  
3 not to answer that.  
4 MR. BIGGS: What's your grounds?  
5 MR. PITTERS: Assault is a criminal  
6 offense, and you're asking her to  
7 admit a criminal offense.  
8 MR. BIGGS: Are you invoking the Fifth  
9 Amendment?  
10 MR. PITTERS: Hold on a second. Let  
11 me --  
12 MR. BIGGS: I understand.  
13 MR. PITTERS: Oh, you can advise her.  
14 I mean --  
15 MR. BIGGS: Well, I just want to  
16 understand. And I'll understand  
17 that.  
18 MR. PITTERS: That's fair enough.  
19 Q. You understand what assault is, don't you?  
20 A. Yes, sir, I do.  
21 Q. Okay. You went to the academy, and you know  
22 about assault being a criminal violation,  
23 correct?

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1 A. Yes.  
2 Q. When a person bumps another person with their  
3 chest, that is an assault, correct?  
4 MR. PITTERS: Object to the form.  
5 Calls for a legal conclusion on  
6 the part of the witness.  
7 MR. BIGGS: She's a trained law  
8 enforcement officer.  
9 MR. PITTERS: I don't think you have  
10 laid the necessary predicate that  
11 she's a lawyer. That's such that  
12 she has the requisite ability and  
13 knowledge to -- with respect to  
14 the law of assault and battery.  
15 Q. Was it wrong for you to bump Ms. Nelson with  
16 your chest?  
17 MR. PITTERS: Object to the form. At  
18 this time, I'm going to -- I'm  
19 going to instruct the witness not  
20 to answer this line of  
21 questioning. And as her counsel,  
22 I'm going to advise her on the  
23 record that this line of

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1 questioning pursues a criminal  
2 offense of assault and battery;  
3 that she has the right under the  
4 United States Constitution, the  
5 Fifth Amendment right, to invoke  
6 her right to remain silent, not to  
7 say anything that will be  
8 incriminating.  
9 And to that extent, I'll  
10 advise her as her lawyer to invoke  
11 her Fifth Amendment right. And,  
12 along with that, in accordance  
13 with that objection, I'm going to  
14 advise her not to answer the  
15 question.  
16 MR. BIGGS: Mark that part of the  
17 deposition.  
18 Q. I show you what's marked as Defendant's  
19 Exhibit #12. Do you see Defendant's Exhibit  
20 #12, Ms. Hendricks?  
21 A. Yes.  
22 Q. Is that your signature on Defendant's Exhibit  
23 #12?

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33 (Pages 126 to 129)

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1 A. Yes.  
2 Q. Is this the oath of office that you signed on  
3 April 25th, 2000?  
4 A. Yes.  
5 Q. And in that oath of office, did you swear to  
6 support the Constitution of the United States  
7 of America and the constitution of the State  
8 of Alabama?  
9 A. Yes.  
10 Q. Did you also say that you would observe all  
11 the rules and regulations prescribed for the  
12 government of convicts?  
13 A. Yes.  
14 Q. Okay. All right. Let's go back to  
15 Defendant's Exhibit #9. The investigator  
16 asked you, following your statement, Yes,  
17 sir, and then she stepped back forward to  
18 me. And he asked, Okay. What happened after  
19 that? And then you say, After that, by that  
20 time, then that's when everybody came out.  
21 The officers had started coming. They was  
22 pulling me and Ms. Nelson apart, and me and  
23 Ms. Nelson both were still crying, say, you

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1 know, still talking about the money and all  
2 this here. Then she told them to just leave  
3 her alone, that she wanted to talk to me. So  
4 me and her got in the car, and we was  
5 talking.  
6 So at this time, you and Ms. Nelson are  
7 in her car, correct?  
8 A. Yes.  
9 Q. Are there folks standing outside of your car,  
10 those officers you had talked about?  
11 A. Yes.  
12 Q. Who was outside your car, do you recall? Or  
13 her car. I apologize.  
14 A. Officer Penn, Officer Pettaway, Officer  
15 Craig. Officer Armstrong was sitting in his  
16 car. I can't -- I can't remember nobody else  
17 that was exactly around. I can't, you  
18 know --  
19 Q. There were several people outside the car at  
20 this point?  
21 A. Yes.  
22 Q. And what were you and Ms. Nelson doing in the  
23 car at this time?

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1 A. Well, we was talking about the issue about  
2 the money. And she said that she -- well,  
3 inside the car, she apologized to me; said  
4 that she was sorry for accusing me of  
5 stealing her money. And I told her I didn't  
6 have to steal from her, all the time that I  
7 had gave her money. And she said that she  
8 was upset because I hadn't spoke to her or  
9 said nothing to her in the last past couple  
10 of weeks.  
11 Q. Did you have any type of physical contact  
12 with her in the car?  
13 A. No, sir, we had no physical contact in the  
14 car.  
15 Q. All right. And you agree with me that both  
16 you and her were upset when you were in the  
17 car still?  
18 A. Well, we had done calmed down. We was  
19 talking then.  
20 Q. Okay. Then you say in your statement, When  
21 we got in her car and was talking, then  
22 Officer Colbert had pulled up and had came to  
23 Ms. Nelson's side of her window; and she

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1 knocked on the window and she asked  
2 Ms. Nelson are you all right. Who is Officer  
3 Colbert?  
4 A. Officer Lilkenya Colbert.  
5 Q. How long have you known her?  
6 A. No more than from the time when she had came  
7 to Kilby.  
8 Q. Okay. Did you ever go out gambling with her?  
9 A. No, sir.  
10 Q. How would you describe your relationship with  
11 her prior to February 10th, 2005?  
12 A. Just a regular employee.  
13 Q. Okay. Friends?  
14 A. As of coworkers. I mean, we wasn't friends.  
15 Q. Just a coworker?  
16 A. Yes, sir.  
17 Q. All right. So she asked Ms. Nelson are you  
18 all right. And you told Ms. Colbert that  
19 Ms. Nelson is fine. Why did you feel it was  
20 necessary for you to tell Ms. Colbert that  
21 she was fine -- that Ms. Nelson was fine?  
22 A. Because I wasn't fixing to do nothing to  
23 Ms. Nelson. We was sitting in the car

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34 (Pages 130 to 133)

Page 130

1 talking. I just told her she's fine.  
 2 Q. Which Ms. Nelson told her, she said, Yeah,  
 3 I'm all right. She said, Just leave me  
 4 alone. I want to talk to Officer Hendricks.  
 5 So me and her were -- was talking. Officer  
 6 Colbert opened the door back up again and  
 7 said, Well, I'm not leaving. I'm not going  
 8 anywhere. You my friend.  
 9 I guess she's indicating that Ms. Nelson  
 10 was her friend, correct?  
 11 A. Yes.  
 12 Q. And Ms. Nelson told her again, she said, I'm  
 13 all right. And I said, Ms. Colbert, I said,  
 14 Ms. Nelson all right. I said, We was  
 15 talking. Then Ms. Colbert wanted to tell me  
 16 about, Bitch, we don't like you, anyway.  
 17 A. That's talking.  
 18 Q. Okay. Where was Ms. Colbert when she made  
 19 this statement to you, Bitch, we don't like  
 20 you anyway?  
 21 A. Standing on the driver's side of Ms. Nelson  
 22 where Ms. Nelson was.  
 23 Q. Okay. And where were you?

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1 A. Still sitting in the car in the passenger's  
 2 side.  
 3 Q. And was Ms. Nelson's door shut or open at  
 4 that time?  
 5 A. Open.  
 6 Q. Okay. What did you say in response to  
 7 Ms. Colbert when she says, Bitch, we don't  
 8 like you, anyway?  
 9 A. I told her I didn't care whether she liked me  
 10 or not. I told her I didn't like her either.  
 11 Q. Is that what you meant when you said, And,  
 12 you know, things started escalating with me  
 13 and Officer Colbert?  
 14 A. No, because at that time she started talking  
 15 about calling me as a -- Bitch, we don't like  
 16 you anyway because you ain't nothing. And it  
 17 just started escalating from there.  
 18 Q. Okay.  
 19 A. And I told her she didn't know me.  
 20 Q. You said Ms. Colbert, at the time she's  
 21 standing outside the driver's window of  
 22 Ms. Nelson's car, she's calling you a bitch?  
 23 A. Yes.

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1 Q. She called you a whore?  
 2 A. Yeah. She called me all kind of names.  
 3 Q. And what did you say to her?  
 4 A. I called her another bitch back.  
 5 Q. Okay. And you're still sitting in the car,  
 6 correct?  
 7 A. Yes, sir.  
 8 Q. Okay. Are y'all yelling at each other with  
 9 you sitting in the passenger side of the car  
 10 and her on the other side of the car?  
 11 A. Yes.  
 12 Q. Okay.  
 13 A. And by that time, I had told Ms. Nelson, I  
 14 said, well, Ms. Nelson, I'm fixing to go. I  
 15 got out the car and I walked around the back  
 16 from Ms. Nelson's car, which was parked right  
 17 beside my car. And I got in my -- I opened  
 18 up my driver door and I stood right there at  
 19 the side of my driver door.  
 20 Q. Okay. Where was your car parked in relation  
 21 to Ms. Nelson's car?  
 22 A. Right to the left side of Ms. Nelson's car.  
 23 Q. Okay. Did you get out and go to your

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1 driver's door?  
 2 A. I opened my door and stood in between my door  
 3 and the car.  
 4 Q. All right. And you opened your car -- your  
 5 driver's door, and naturally, you got in your  
 6 car to leave, correct?  
 7 A. Well, I stood there because me and Officer  
 8 Penn were talking at the time.  
 9 Q. Okay. Are you saying that at that time you  
 10 chose to talk to Officer Penn after  
 11 Ms. Colbert called you a bitch and a whore?  
 12 A. Because he was telling me to get in the car.  
 13 And she had went to her car. I walked  
 14 around. When I got out of Ms. Nelson's  
 15 side, I came around to my car. I stood at  
 16 my door. Officer Penn said, Okay,  
 17 Ms. Hendricks. He said, Just leave, just  
 18 leave it alone, like that.  
 19 Q. Okay. Well, wait. Let me ask you this. Why  
 20 didn't you just leave it alone? Why didn't  
 21 you just get in your car and leave?  
 22 A. Because I wasn't talking to Ms. -- this  
 23 situation didn't have nothing to do with



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1 Ms. Colbert, period.  
2 Q. But you didn't leave, now, did you?  
3 A. No, I didn't. Because, like I said, I was  
4 standing there talking to Officer Penn.  
5 Q. Would you agree with me that you could have  
6 gotten in your car, shut the door and left?  
7 A. I could have.  
8 Q. But instead, you chose to go and get your  
9 knife, correct?  
10 A. No, sir, not at that point in time, no, sir.  
11 Q. Okay. Well, when in point in time did you  
12 decide that you were going to reach in your  
13 door and pull out your knife?  
14 A. At that point in time when Ms. Colbert walked  
15 to her car and she pulled her jacket off.  
16 Then she came back, then she walked back to  
17 her car again, she pulled her shirt out. And  
18 then, at that time, that's when the female  
19 that was in the car with her got out.  
20 Q. Okay. With all this going on, her taking her  
21 clothes off and the other girl getting out of  
22 the car, you would agree with me that you  
23 could have got in your car, shut the door and

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1 left the State property of the Alabama  
2 Department of Corrections, now, couldn't you?  
3 A. Yes, sir, I could have.  
4 Q. You chose not to do that, but instead, you  
5 got your knife; is that not correct?  
6 A. That's not correct. At that present time, I  
7 didn't.  
8 Q. How much time elapsed between the time --  
9 strike that. How much time did it take for  
10 Ms. Colbert to disrobe herself in the parking  
11 lot of Kilby Correctional Facility?  
12 A. To disrobe her?  
13 Q. Yeah. Take her clothes off?  
14 A. By the time it was -- at that time, it was  
15 kind of cool. She went to her car, she took  
16 her jacket off. Then she said a few words,  
17 and she walked back to her car and pulled her  
18 shirt out. And she bent down. Now, what she  
19 did after that, I don't know when she bent  
20 down.  
21 Q. You would agree with me, that at the time  
22 that Officer Penn is telling you to leave it  
23 alone, leave it alone, and Officer Colbert

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1 taking her clothes off, that you had more  
2 than enough time to get in your car and  
3 leave?  
4 A. Okay. At that present time, if I had got in  
5 my car and left, then I would have hit her  
6 car because she was parked right in front of  
7 me and Ms. Nelson.  
8 Q. But you could have got in your car, shut the  
9 door, locked the door, correct?  
10 A. Yes.  
11 Q. But you made a decision not to do that, but  
12 instead, get your knife, correct?  
13 A. No.  
14 Q. Okay. When did -- but you ultimately got  
15 your knife, did you not?  
16 A. Yes.  
17 Q. Okay. What was going through your head at  
18 the time you got your knife?  
19 A. Well, at the present time when I got my  
20 knife, I felt like I was being -- fixing to  
21 be attacked by her and the female that was  
22 with her.  
23 Q. Okay. If you had gotten in your car, as

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1 Officer Penn had told you to get in your car,  
2 and not stayed outside your car, then you  
3 would not have had an opportunity to be  
4 allegedly attacked by these other folks, now,  
5 would you?  
6 A. No, sir, I wouldn't have. Because when she  
7 left the State property, she came back. So  
8 allegedly, she was looking for trouble.  
9 Q. Okay. Is that what you were thinking at the  
10 time that you decided not to leave and stay  
11 there so you could pull your knife, that she  
12 was looking for trouble?  
13 A. No, sir. Because when she left, she came --  
14 she got a phone call from another officer. I  
15 don't know who the officer was. And then,  
16 when she came back, then that's when all the  
17 confusion started. So she left State  
18 property and came back.  
19 Q. Okay. Does that make what you did correct?  
20 A. No.  
21 Q. Okay. The fact of the matter is that you  
22 were mad at her because she called you a  
23 bitch and a whore, and she was getting her

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1 business into your business; is that not  
2 correct?  
3 MR. PITTERS: Objection.  
4 Argumentative.  
5 Q. Okay. Were you upset with her because she  
6 called you a bitch and a whore?  
7 A. No, sir. I've been called all kind of names,  
8 but it doesn't bother me.  
9 Q. Are you saying on the record you were not  
10 upset --  
11 MR. PITTERS: Objection.  
12 Q. -- and mad that evening that -- when  
13 Ms. Colbert called you a bitch and a whore?  
14 MR. PITTERS: Objection. Asked and  
15 answered.  
16 Q. No?  
17 A. No, I wasn't upset then.  
18 Q. Okay. When did you finally get upset at  
19 Ms. Colbert?  
20 A. When she went to her car and pulled her  
21 jacket off.  
22 Q. Okay.  
23 A. I mean, even though we had words, I mean,

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1 it's not like I was fixing to attack her,  
2 because she was the aggressive one towards  
3 me. She came towards me.  
4 Q. Did she have a weapon?  
5 A. I don't know what she had.  
6 Q. Did you see a weapon?  
7 A. No, I didn't.  
8 Q. Did she give you any indication that she had  
9 a weapon?  
10 A. Well, when she went and bent down at her car  
11 where she was, I don't know what she had.  
12 Q. Okay.  
13 A. I assumed she did.  
14 Q. Okay. So you're assuming that she might have  
15 had a weapon?  
16 A. Yes.  
17 Q. So would you agree with me that instead of  
18 leaving and getting in your car, you decided  
19 that you were going to go after your weapon  
20 which you knew about to confront her with her  
21 supposed weapon?  
22 A. No. Because like I said, if I had pulled off  
23 and left, then I would have hit her car.

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1 Q. Would you agree with me that the only weapon  
2 that evening that you are aware of was your  
3 knife?  
4 A. That I know of was mine, yes, sir.  
5 Q. Okay. Would you agree with me that when you  
6 decided not to leave at the direction of  
7 Officer Penn, stay and pull your knife, that  
8 you did not uphold with integrity the  
9 public's trust in your position as a  
10 Corrections Officer I?  
11 A. Repeat that again, now.  
12 Q. All right. I'm referring to Administrative  
13 Reg 207, number 9. Are you aware of that?  
14 A. Yes.  
15 Q. Okay. Would you agree with me that you --  
16 when you decided you were going to go after  
17 your knife and confront Ms. Colbert, that you  
18 did not uphold with integrity the public's  
19 trust --  
20 MR. PITTERS: Object to the form.  
21 MR. BIGGS: I haven't finished with my  
22 question yet.  
23 Q. -- the public's trust involved in your

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1 position as a Corrections Officer I?  
2 MR. PITTERS: Object to the form.  
3 A. As to what? Where I -- I don't understand.  
4 I'm confused now.  
5 Q. Did you uphold the integrity of your position  
6 by staying out there confronting Ms. Colbert  
7 with a knife?  
8 MR. PITTERS: Object to the form.  
9 Q. Can you answer that?  
10 A. Well, you want me to answer that. You're  
11 asking me can I answer that. But, I mean, it  
12 all falls up under her category, too, when  
13 she left State property and came back.  
14 Q. I ain't asking about her. I'm asking about  
15 you, ma'am.  
16 A. I don't know.  
17 Q. You don't know that -- I'll withdraw that.  
18 On February 10th, 2005, were you a sworn  
19 and certified law enforcement officer for the  
20 State of Alabama?  
21 A. Yes.  
22 Q. Did you tote a badge on February 10th, 2005?  
23 A. Yes.

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1 Q. Did you swear an oath to uphold the laws and  
 2 the constitution of the State of Alabama  
 3 prior to February 10th, 2005?

4 A. Yes.

5 Q. Would you agree with me that your actions on  
 6 February 10th, 2005 in confronting  
 7 Ms. Colbert with a knife violated your  
 8 position as a law enforcement officer?

9 MR. PITTERS: I'm going to object to  
 10 that and instruct the witness not  
 11 to answer that question.

12 MR. BIGGS: What's your grounds for  
 13 instructing her not to answer?

14 MR. PITTERS: You're asking the witness  
 15 to incriminate herself in these  
 16 proceedings. And she has a right  
 17 under the Fifth Amendment of the  
 18 United States Constitution not to  
 19 incriminate -- render any  
 20 statements that would be  
 21 incriminating.

22 MR. BIGGS: That question has nothing  
 23 to do with crimes. That's got to

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1 11th, 2005, is that what really happened?

2 A. No, sir, because I didn't open the knife.

3 Q. Okay. But if those are your words, you made  
 4 that statement on February 11th, 2005,  
 5 correct?

6 A. That's what it says, but I don't remember  
 7 opening the knife.

8 Q. Well, let's make it correct, now. Your  
 9 statement now is you don't remember opening  
 10 the knife?

11 A. I don't remember opening no knife. Because  
 12 if I had opened the knife, then I would have  
 13 cut Officer Penn.

14 Q. Is your testimony now that you don't remember  
 15 opening the knife or that you didn't open the  
 16 knife?

17 A. I didn't open the knife.

18 Q. Okay. So that is an affirmative statement  
 19 that you did not open the knife?

20 A. I didn't open the knife.

21 Q. Continue on. And after that, then Officer  
 22 Penn had grabbed my right hand, which the  
 23 knife was in my right hand. He got the

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1 do with her sworn oath as a law  
 2 enforcement officer for the State  
 3 of Alabama. And I beg to differ  
 4 with you.

5 MR. PITTERS: I stand on my objection,  
 6 Counselor.

7 MR. BIGGS: Mark that.

8 Q. Your prior testimony today was, on several  
 9 occasions, that you never opened the knife;  
 10 is that correct?

11 A. Yes.

12 Q. But reading the words of your statement which  
 13 was done the day after the events of February  
 14 10th, 2005, the words are, quote: By that  
 15 time, I had rushed to my left side of my  
 16 door, comma, door panel, and I had a knife,  
 17 comma, which I opened the knife; and when she  
 18 said, ah, bitch, comma, I'm going to get you  
 19 or whatever.

20 Were those your words on February 11th,  
 21 2005, that you opened the knife?

22 A. I don't remember saying that.

23 Q. Okay. If those are your words on February

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1 knife, and what he did with the knife, I  
 2 don't know. And then, after that, me, I got  
 3 back into my car when Officer Penn had tried  
 4 to push me back in the car twice. Why did it  
 5 take Officer Penn twice to push you back in  
 6 your car?

7 A. Because I pushed him and I told him just  
 8 leave me alone. And then he pushed me  
 9 again. So that's twice.

10 Q. So after two times Officer Penn tried to push  
 11 you are in the car, you finally got back in  
 12 the car, correct?

13 A. Yes.

14 Q. Then you said I finally got back in my car.  
 15 Then me and Ms. Nelson pulled out. I pulled  
 16 out first, then Officer Nelson pulled out  
 17 behind me and we left, correct?

18 A. Yes.

19 Q. You didn't give any indication you had any  
 20 problems leaving then, now, did you?

21 A. No.

22 Q. Okay. You didn't have any problems pulling  
 23 out after you got -- finally got in the car,



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1 now, did you?  
 2 A. By that time, Ms. Colbert had done moved  
 3 then.  
 4 Q. Oh, okay. You didn't say that in your  
 5 statement, did you?  
 6 A. No, it's not in my statement. But by that  
 7 time, she had done moved. Because she went  
 8 over to see, because Lieutenant Blackmon had  
 9 fell in the parking lot.  
 10 Q. Then you say you met up with Latoya Nelson  
 11 down at Pike Road Post Office, correct?  
 12 A. Yes.  
 13 Q. Now, this happened on -- the statement you  
 14 gave was on February 11th, 2005. What did  
 15 you do on February 12th, 2005 in regards to  
 16 this situation?  
 17 A. On what I -- what you mean, what I did?  
 18 Q. Did you file any report or go to the warden,  
 19 say, look, I messed up last night. I pulled  
 20 a knife. Here it is. Did you do anything in  
 21 regards to this situation on February 12th,  
 22 2005?  
 23 A. No, sir.

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1 Q. Why not?  
 2 A. Because on February the 11th, I was barred  
 3 from Kilby Correctional Facility.  
 4 MR. PITTERS: Apparently counsel, you  
 5 have finished your examination as  
 6 far as that statement is  
 7 concerned?  
 8 MR. BIGGS: I may go back to it, but I  
 9 think I'm finished right now.  
 10 MR. PITTERS: Okay. I think that's  
 11 good little stopping place to go  
 12 to the break room back here.  
 13 MR. BIGGS: Okay. Sure. Go ahead.  
 14 Sure.  
 15 (Brief recess)  
 16 Q. Ms. Hendricks, I show you what's marked as  
 17 Defendant's Exhibit #6, which is dated  
 18 February 18th, 2005. It's a memorandum from  
 19 Terrance McDonnell to you, notice of  
 20 pre-dismissal conference. Do you recognize  
 21 Defendant's Exhibit #6?  
 22 A. Yes, sir.  
 23 Q. And on the second page of that exhibit, you

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1 received a copy of this and that's your  
 2 signature dated February 18th, 2005, correct?  
 3 A. Yes, sir.  
 4 Q. Okay.  
 5 MR. PITTERS: That's Defendant's  
 6 Exhibit what?  
 7 MR. BIGGS: #6.  
 8 Q. I show you what's marked as Defendant's  
 9 Exhibit #7. This is dated March 2nd, 2005.  
 10 It's a memorandum from Terrance McDonnell to  
 11 Commissioner Donal Campbell through Dora  
 12 Jackson. Did you receive a copy of this  
 13 particular memorandum?  
 14 MR. PITTERS: And what's the date of  
 15 that?  
 16 MR. BIGGS: March 2nd, 2005.  
 17 A. I think I did, but I don't have it with me.  
 18 Q. Okay. That's fine.  
 19 MR. PITTERS: That's going to be  
 20 Defendant's Exhibit what?  
 21 MR. BIGGS: #7.  
 22 Q. But you do recognize that particular exhibit,  
 23 you just don't have it with you?

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1 A. Yes, sir.  
 2 Q. Okay. Defendant's Exhibit #8 is a collection  
 3 of documents that's entitled Kilby  
 4 Correctional Facility pre-dismissal  
 5 conference memorandum. And there's a  
 6 collection of documents following that. Do  
 7 you recognize that document and the documents  
 8 attached?  
 9 A. Yes, sir.  
 10 Q. Okay. The first page of that has your  
 11 signature as the employee dated March 2nd of  
 12 '05, correct?  
 13 A. Yes.  
 14 Q. So you received a copy of the first page; is  
 15 that not correct?  
 16 A. Yes.  
 17 Q. Okay. The other documents attached to that  
 18 Defendant's Exhibit #8 are some of the same  
 19 documents that are attached to the original  
 20 complaint in this case, correct, we've  
 21 already talked about?  
 22 A. Yes.  
 23 Q. Okay.

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1 MR. PITTERS: That's exhibit number?  
2 MR. BIGGS: #8.  
3 MR. PITTERS: #8.  
4 MR. BIGGS: Yes, sir.  
5 MR. PITTERS: That's the one dated  
6 which one? That's the --  
7 MR. BIGGS: This is dated March 2nd,  
8 2005.  
9 MR. PITTERS: Okay. Wait a minute.  
10 Didn't we mark the same Exhibit  
11 #7? Oh, no. They just have the  
12 same dates.  
13 MR. BIGGS: Yes. Same date. This is  
14 March --  
15 Q. And on page 1, it says: In addition to a  
16 response, the employee submitted the  
17 following documents. And it lists the  
18 documents that are attached to this exhibit,  
19 but those are the same documents you used as  
20 attachments to the original complaint. Does  
21 that make sense to you?  
22 A. Yes, sir.  
23 Q. Okay. Then lastly, Defendant's Exhibit #10

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1 is dated March 2nd, 2005. And this is a  
2 letter to you from Donal Campbell. And did  
3 you receive a copy of this letter?  
4 A. Yes, sir.  
5 Q. Did you understand it, all the allegations in  
6 there as to why you were being dismissed by  
7 Commissioner Campbell?  
8 A. Somewhat I do, and some that I don't.  
9 Q. Okay. Which ones do you not understand? You  
10 want to look at it? Oh, you've got a copy of  
11 it?  
12 A. Yeah, I have a copy of it.  
13 Q. Which ones do you not understand?  
14 MR. PITTERS: And that is dated -- that  
15 is Exhibit #10?  
16 MR. BIGGS: Yes, sir.  
17 A. On the second page to where it says a review  
18 of your overall work record reveals no active  
19 or previous disciplinary actions.  
20 Q. You didn't understand that?  
21 A. I understand it. But as of to where my  
22 dismissal, no, I don't.  
23 Q. Okay. Would you agree with me that prior to

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1 these events on February 10th, 2005, you  
2 hadn't been disciplined by the Department of  
3 Corrections as an employee?  
4 A. I hadn't been disciplined?  
5 Q. Yeah. You didn't have anything in your  
6 personnel file where you had been disciplined  
7 for anything?  
8 A. I mean, for some being tardy a couple of  
9 times or late or something. But that's not  
10 no -- this says a review of your overall  
11 record reveals no action or previous  
12 disciplinary action.  
13 Q. Okay. Other than a couple of tardies, you  
14 hadn't been disciplined as an employee prior  
15 to this particular event of the parking lot,  
16 correct?  
17 A. No, sir.  
18 Q. And that's what that suggests to you, does it  
19 not, that -- that Commissioner Campbell  
20 reviewed your overall work record, and you  
21 revealed nothing active or any type of  
22 previous disciplinary action that meant  
23 anything to him, correct?

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1 A. Yes.  
2 Q. I mean, you didn't have any other prior  
3 assaults or anything --  
4 A. No, sir.  
5 Q. -- where you were charged with some type of  
6 violation of rules other than being tardy a  
7 couple of times; is that correct?  
8 A. No, sir.  
9 Q. Is there anything else you don't understand  
10 about Defendant's Exhibit #10?  
11 A. That's all.  
12 Q. Okay. Did you say no, sir?  
13 A. I said that's all.  
14 Q. I show you what's been marked as Defendant's  
15 Exhibit #5, once I get a copy to your  
16 attorney. That's Administrative Reg 208  
17 dated July 26th, 2000; is that correct?  
18 A. Yes, sir.  
19 Q. And this was the Administrative Reg 208 that  
20 was in effect on or before March 4th, 2005,  
21 and after July 26th, 2000, correct?  
22 A. Yes, sir.  
23 Q. Okay. In Defendant's Exhibit #10 -- which

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1 you have a copy of dated March 4th, 2005 --  
2 one of the things that Commissioner Campbell  
3 considered was, one, fighting, assault,  
4 physical violence and disruptive behavior,  
5 correct?  
6 A. Yes.  
7 Q. And that's Paragraph A3b(4)(a); is that not  
8 correct? Look on page 6 of Defendant's  
9 Exhibit #5 -- correct? Down here, Number A.  
10 A. Yes, sir.  
11 Q. Okay. Would you agree with me that when you  
12 bumped your chest on the chest of Officer  
13 Nelson prior to Officer Colbert getting  
14 there, that you violated rule -- or  
15 Administrative Regulation 208, Section 3,  
16 Group 3 offense, Paragraph A3b(4)(a)?  
17 A. Are you --  
18 Q. I'm asking you did you engage in the  
19 fighting, assault, physical violence and  
20 disruptive behavior when you bumped the chest  
21 of Officer Nelson?  
22 A. Did I? Did I?  
23 Q. Yes, ma'am.

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1 MR. PITTERS: Object to the form.  
2 Q. You can answer, if you can.  
3 A. Well --  
4 (Brief pause)  
5 A. No, sir.  
6 Q. All right. So you're disagreeing with  
7 Commissioner Campbell's assessment -- well,  
8 I'll strike that. Following you bumping your  
9 chest to the chest of Officer Nelson and then  
10 your encounter with Officer Colbert and the  
11 knife in your car, would you agree with me  
12 that looking at all of that, you violated  
13 that particular offense of fighting, assault,  
14 physical violence, and disruptive behavior?  
15 A. No, sir, because it wasn't job-related. Yes,  
16 sir? Wait a minute. I'm confused.  
17 MR. BIGGS: Which answer do you want  
18 her to say, Mr. Pitters?  
19 A. No. I'm saying you say something --  
20 MR. PITTERS: He didn't ask you why.  
21 He just ask you yes or no, and you  
22 said no.  
23 MR. BIGGS: Is that for the record,

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1 Mr. Pitters, arguing with the  
2 client?  
3 Q. All right. So your answer is no?  
4 A. Yes.  
5 Q. Okay. Do you also disagree -- would y'all  
6 like a moment?  
7 MR. PITTERS: Yes, please.  
8 MR. BIGGS: Okay. Let's take a break  
9 for a minute.  
10 (Brief recess)  
11 Q. Just a couple more, Ms. Hendricks, and then  
12 we'll stop. Back to Defendant's Exhibit  
13 #10. Commissioner Campbell outlines in  
14 paragraphs 2, 3, and 4, other violations of  
15 Administrative Regulation 208. Do you see  
16 those?  
17 A. Yes.  
18 Q. Okay. Do you agree with any of those  
19 assessments by Commissioner Campbell that you  
20 had violated that -- those parts of  
21 Administrative Reg 208?  
22 A. No.  
23 Q. Okay. So what I hear from you is that based

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1 on your actions of February 10th, 2005, in  
2 your opinion, you violated neither  
3 Administrative Reg 207 nor 208 in any way; is  
4 that correct?  
5 A. Yes.  
6 MR. BIGGS: That's all my questions.  
7 But a little housecleaning.  
8 I offered several exhibits.  
9 I did not offer a Defendant's  
10 Exhibit #13 or Defendant's Exhibit  
11 #11. Other than that, everything  
12 else that I've offered is in and  
13 nothing is out of place, I don't  
14 think.  
15 EXAMINATION  
16 BY MR. PITTERS:  
17 Q. All right. Ms. Hendricks, let me start with  
18 the line of questioning that counsel ended  
19 his examination on. Specifically, regs --  
20 Department of Correction Regulation --  
21 Administrative Regulation number 208. And  
22 the representations set forth in the March  
23 24th -- I mean, March 4, 2005 correspondence



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1 to you from Commissioner Campbell. The --  
 2 that would be Defendant's Exhibit #5 and  
 3 Defendant's Exhibit #10.

4 Okay. Now, you deny -- and your  
 5 representations a short while ago was that  
 6 you did not violate the regulations set forth  
 7 therein by the commissioner; is that correct?

8 A. Yes.

9 Q. Now, the actions or the course of events that  
 10 transpired on February 10th, 2005 occurred  
 11 after your hours of employment with the  
 12 Department of Corrections -- the Alabama  
 13 Department of Corrections had concluded; is  
 14 that correct?

15 A. Yes.

16 Q. Had you clocked out from your daily  
 17 employment with the Alabama Department of  
 18 Corrections when this -- the occurrence --  
 19 whatever happened out there with you and  
 20 Colbert and Nelson on October -- on February  
 21 10th, 2005?

22 A. Yes.

23 Q. Okay. Do you know if Colbert had clocked

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1 out?

2 A. Yes.

3 Q. What about Nelson and Krammer Penn and all of  
 4 the folks that were there? Do you know if  
 5 everyone had -- their shift had ended and  
 6 y'all had terminated your employment that day  
 7 and were off the clock?

8 A. Yes.

9 Q. Okay. So what transpired on February 10th,  
 10 2005, that forms the basis of Mr. McDonnell's  
 11 recommendation to the Commissioner that you  
 12 be terminated and the Commissioner's  
 13 subsequent or -- subsequent action on  
 14 Mr. McDonnell's recommendation all occurred  
 15 after you -- well, let me back up.

16 Did not occur within the line and scope  
 17 of your employment with the Alabama  
 18 Department of Corrections; is that correct?

19 MR. BIGGS: Object to the form. She's  
 20 not qualified, and it's leading  
 21 your witness. There's no  
 22 predicate, and invades the mental  
 23 operations of folks that's not

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1 her. That's my objection.

2 Q. Go ahead. Let me redo the question.

3 Apparently you don't recall it.

4 Were y'all off the clock, not working,  
 5 had concluded your shift and were on your way  
 6 home when all this happened?

7 A. Yes.

8 Q. And to that extent, did not occur within the  
 9 line and scope of your employment, correct?

10 MR. BIGGS: Object to the form. Not  
 11 qualified to give that answer.

12 Q. Is that correct?

13 A. Yes.

14 Q. Okay. Now, you did not fight, assault, or  
 15 engage in physical violence or disruptive  
 16 behavior during the hours of your employment  
 17 with the Alabama Department of Corrections on  
 18 February 10th, 2005, did you?

19 MR. BIGGS: Object to the form.

20 A. No.

21 Q. You did not possess or use a firearm,  
 22 weapons, explosives or other dangerous items  
 23 during the hours of your employment with the

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1 Alabama Department of Corrections on February  
 2 10th, 2005, did you?

3 A. No.

4 Q. Now, number two on page 2 of the  
 5 commissioner's correspondence of May 4, 2005,  
 6 addressed conduct that is disgraceful on or  
 7 off the job that doesn't adversely affect  
 8 employees' effectiveness on the job. Did you  
 9 engage in any disgraceful conduct that  
 10 affected your effectiveness during the hours  
 11 of two to ten p.m. on February 10th, 2005?

12 MR. BIGGS: Object to the form.

13 A. No.

14 Q. How would you -- how would you describe your  
 15 effectiveness on the job with the Department  
 16 of Corrections on February 10, 2005 when you  
 17 worked for the Department of Corrections on  
 18 that day, between -- did you say you worked  
 19 between two to ten p.m. that day?

20 A. Yes, sir.

21 Q. How would you describe your effectiveness on  
 22 the job during those hours? Did anything  
 23 occur disgraceful or --

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1 MR. BIGGS: Which question you want her  
2 to answer first? You've asked  
3 numbers of questions.  
4 MR. PITTERS: Strike all of that,  
5 Ms. Court reporter.  
6 Q. During the hours of two to ten p.m. on  
7 October -- no, February 10, 2005, did you  
8 engage in any disgraceful conduct that  
9 adversely affected your -- or adversely  
10 affected your performance on the job between  
11 two to ten p.m. on February 10, 2005?  
12 MR. BIGGS: Object to the form.  
13 A. No.  
14 Q. Were you written up during the hours of two  
15 to ten p.m. on February 10, 2005?  
16 A. No.  
17 Q. Has Mr. McDonnell ever complained to you that  
18 you engaged in any conduct between the hours  
19 of two to ten p.m. on February 10, 2005  
20 adversely reflecting your ability to perform  
21 your job with the Department of Corrections?  
22 A. No.  
23 Q. All right. Now, Counsel asked you --

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1 opposing counsel asked you earlier about your  
2 engaging in premeditation with respect to the  
3 pocket knife that you had in your car in your  
4 confrontation -- the confrontation you had  
5 with -- is it Officer Colbert? Did you  
6 previously had made up your mind before  
7 February 10th of 2005 with respect to what  
8 occurred in that parking lot, did you engage  
9 in mental deliberations to use -- to get that  
10 knife from your car and assaulted or engage  
11 in any fight with Officer Colbert?  
12 MR. BIGGS: Object to the form.  
13 A. No.  
14 Q. Now, Counsel asked you about the defendants  
15 that you have named in this lawsuit. And he  
16 asked you about warden -- now, Warden  
17 McDonnell and the Department of Corrections,  
18 are those -- that's who you named in your  
19 original complaint; is that correct?  
20 A. Yes.  
21 Q. Okay. Now, when you named the Department of  
22 Corrections, were you filing suit against the  
23 Alabama -- the State of Alabama, Department

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1 of Corrections?  
2 A. Yes.  
3 Q. And indeed, in your complaint, you see where  
4 you -- you have made reference to the Alabama  
5 Department of Corrections, correct?  
6 A. Yes.  
7 Q. Okay. Now, who fired you?  
8 MR. BIGGS: Objection to form.  
9 MR. PITTERS: I'll rephrase the  
10 question.  
11 Q. Did you get a notice from the -- the  
12 Defendant's Exhibit I think it's #10. Yeah.  
13 Did you understand from that correspondence,  
14 Defendant's Exhibit #10, March 4th, 2005, who  
15 was that -- first of all, who was that  
16 correspondence from?  
17 A. Donal Campbell.  
18 Q. Did you understand -- and what was that --  
19 what did that -- what did you understand from  
20 that correspondence from Commissioner  
21 Campbell?  
22 A. That I was going to be terminated, dismissed.  
23 Q. Okay. And Donal Campbell -- I mentioned

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1 commissioner. You understood at the time  
2 when you got this correspondence, that he was  
3 the commissioner of the State of Alabama  
4 Department of Corrections, correct?  
5 COURT REPORTER:  
6 A. Yes.  
7 Q. Okay. And before this letter of termination,  
8 you were placed on mandatory leave effective  
9 February 11th, 2005; is that correct?  
10 A. Yes.  
11 Q. Let me show you -- okay. You're looking at  
12 it. Tell me what's that document you're  
13 looking at right now.  
14 A. It's a memorandum to Felicia Hendricks,  
15 correctional officer, from Donal Campbell,  
16 Commissioner, subject: Mandatory leave  
17 placement effective February 11th, 2005.  
18 Q. Okay. Now, is that -- that document you just  
19 read from, is that what you're referring to  
20 when you told opposing counsel that --  
21 MR. BIGGS: Objection to form. I'm  
22 sorry. You're leading the  
23 witness. Go ahead. I'm sorry. I

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1 apologize. I cut you off. I  
2 apologize Mr. Pitters. I should  
3 have waited.  
4 Q. On February 12th, you told him that you could  
5 not go back on the property because -- is  
6 that the document you're referring to when  
7 you told him you couldn't go back on the  
8 property on February 12?  
9 A. Yes, I had one, yes, sir, that was given to  
10 me.  
11 Q. All right. So -- all right. And before you  
12 received -- before you received -- strike  
13 that. On February -- on February 18th, 2005,  
14 after you received that notice putting you on  
15 mandatory leave with pay for duration of ten  
16 working days effective February 11th, did you  
17 receive a memo from Terrance McDonnell dated  
18 February 18th, 2005?  
19 A. Yes.  
20 Q. And that document -- that is Defendant's  
21 Exhibit #6 to your deposition, correct?  
22 A. Yes.  
23 Q. Okay. And that document from Mr. McDonnell

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1 tells you about a notice of a pre-dismissal  
2 conference, correct?  
3 A. Yes.  
4 Q. And did you understand that Mr. McDonnell was  
5 recommending to the commissioner -- that is  
6 Commissioner Campbell -- that you be  
7 terminated from your employment with the  
8 Alabama Department of Corrections?  
9 MR. BIGGS: Object to the form.  
10 A. Yes.  
11 Q. Okay. Now, back to my question regarding  
12 what counsel was asking as to who you are  
13 suing. You named -- he indicated that you  
14 named Warden McDonnell, and the Alabama  
15 Department of corrections. By naming the  
16 Alabama Department of Corrections, is it your  
17 contention or do you -- are you suing also  
18 the commissioner in his official capacity as  
19 representative of the state of Alabama or the  
20 Department of Corrections regarding your  
21 termination?  
22 MR. BIGGS: Object to the form.  
23 A. Yes.

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1 Q. To that extent, do you contend that those two  
2 individuals violated your rights as you have  
3 alleged in this lawsuit?  
4 MR. BIGGS: Object to the form.  
5 A. Yes.  
6 Q. Okay. Now, do you know who Captain Billups  
7 is?  
8 A. Yes.  
9 Q. Okay. And who is she?  
10 A. She's the captain at Kilby Correctional  
11 Facility.  
12 Q. Pardon?  
13 A. The captain at Kilby.  
14 Q. Is that the facility where you were working  
15 at?  
16 A. Yes, she was.  
17 Q. Was she the captain at Kilby while you were  
18 employed there?  
19 A. Yes.  
20 Q. Up until you got terminated?  
21 A. Yes.  
22 Q. Okay. Do you have any knowledge of capital  
23 Billups doing a shakedown of officers coming

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1 to the institution and her having found  
2 employees with weapons?  
3 MR. BIGGS: Object to the form.  
4 A. Yes.  
5 Q. Okay. To your knowledge, were any adverse or  
6 disciplinary actions taken against those  
7 employees?  
8 MR. BIGGS: Object to the form.  
9 A. No, sir.  
10 Q. Is that part of the basis of your contentions  
11 of unequal treatment or disparate treatment  
12 in this lawsuit?  
13 MR. BIGGS: Object to the form.  
14 A. Is it?  
15 Q. Is that part of the basis of your claiming to  
16 having been subject to unequal treatment  
17 under the law in this lawsuit?  
18 MR. BIGGS: Object to the form.  
19 A. Yes.  
20 Q. When you were talking about testifying  
21 earlier about what happened with your --  
22 Ms. Colbert, did I understand you to say that  
23 Ms. Colbert had left the premises of the ADOC



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44. (Pages 170 to 173)

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1 after y'all had gotten off work and came back  
2 to where you and Ms. Nelson were?  
3 MR. BIGGS: Object to the form.  
4 A. Yes.  
5 Q. And when counsel asked you about why didn't  
6 you get in the car and drive off, tell the  
7 court where was the vehicle that Ms. Colbert  
8 was riding in? Where was it parked in  
9 proximity to where your vehicle was, where  
10 Officer Nelson's vehicle was. Tell the court  
11 where Ms. Colbert had parked her truck?  
12 A. She had parked diagonally in front of me and  
13 Ms. Nelson's car.  
14 Q. Okay. Could you have got in your car and  
15 driven off without confronting Ms. Colbert,  
16 based on where she was parked in proximity to  
17 your vehicle and that of Ms. Nelson's  
18 vehicle?  
19 MR. BIGGS: Object to the form.  
20 A. No.  
21 Q. Where does Ms. Colbert work at the  
22 facility -- the Kilby facility? Where does  
23 she work?

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1 A. Where do she work?  
2 Q. Yeah. Where does she work? Does she --  
3 y'all have towers over there, correct?  
4 A. Yeah. We have towers, certain man posts,  
5 manned posts.  
6 Q. Do you know where she worked, where was  
7 her --  
8 A. At that particular night?  
9 Q. Yes.  
10 A. Yes, sir. She was on tower five.  
11 Q. Okay. Did she have to come to where you and  
12 Ms. Nelson were -- did she have to come that  
13 way or pass y'all in order to get off work  
14 and leave and go on about her business?  
15 MR. BIGGS: Object to the form.  
16 A. No.  
17 Q. Was she -- do you know where she -- strike  
18 that.  
19 This Selena Davis that you refer to, the  
20 civilian who came -- what was her purpose at  
21 the facility that night?  
22 MR. BIGGS: Object to the form.  
23 A. To pick Officer Colbert up.

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1 Q. And where was she picking up Officer Colbert  
2 from?  
3 MR. BIGGS: Object to the form.  
4 Q. In proximity to where you and Ms. Nelson  
5 was -- or were?  
6 MR. BIGGS: Object to the form.  
7 A. At the gate. Right at the main entrance on  
8 the fence line to where she came from tower  
9 five from.  
10 Q. Okay. Where was that in comparison to where  
11 you and Ms. Nelson were parked at as far as  
12 distance-wise?  
13 A. That was way off.  
14 Q. Okay.  
15 A. It was a good distance.  
16 Q. Did she have to come to where you -- did she  
17 have to pass by where you all were in order  
18 for her to catch her ride and leave the  
19 facility?  
20 MR. BIGGS: Object to the form.  
21 A. Going outside, it was the opposite side going  
22 outside -- of leaving outside of the  
23 institution, yes.

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1 Q. I'm not sure I understand your answer.  
2 Did -- did Ms. -- when Ms. Colbert's ride  
3 came to pick her up, based on where you and  
4 Ms. Nelson were, did she have to drive by  
5 where you all were in order for her to go  
6 home?  
7 MR. BIGGS: Object to the form.  
8 A. No, not to come by where we were. No.  
9 Q. Okay. Well, do you know why she came over --  
10 or how is it that she came -- how it came  
11 about for her to come from where her ride  
12 came and picked her up to come over to where  
13 you and Ms. Nelson were?  
14 MR. BIGGS: Object to the form.  
15 A. She received a phone call.  
16 Q. About what?  
17 MR. BIGGS: Object to the form.  
18 A. Saying that me and Ms. Nelson was arguing.  
19 Q. Is it your testimony that Ms. Colbert  
20 specifically came over to where you and  
21 Ms. Nelson were to, I guess, dabble into or  
22 get involved in what you and Ms. Nelson were  
23 talking about?

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45 (Pages 174 to 177)

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1 MR. BIGGS: Object to the form.  
2 A. Yes.  
3 Q. Do you know of any lawful purpose that  
4 Ms. Colbert had to have come over to where  
5 you and Ms. Nelson were?  
6 MR. BIGGS: Object to the form.  
7 A. No.  
8 Q. While you were in the presence of Ms. Nelson,  
9 do you recall her calling Ms. Colbert to come  
10 to her rescue or to come over and be a part  
11 of your -- her discussion with you?  
12 MR. BIGGS: Object to the form.  
13 A. No.  
14 MR. PITTERS: That's all I have.  
15 EXAMINATION  
16 BY MR. BIGGS:  
17 Q. I've just got -- I mean, I'm sorry, but I've  
18 got to ask this, because Mr. Pitters went  
19 through painstaking -- the allegations on  
20 Defendant's Exhibit #10, 1 through 4 of  
21 Commissioner Campbell, asking you  
22 specifically, one, did you engage in  
23 fighting, assault, physical violence and

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1 to ten on the February 10th, 2005, you did  
2 not engage in any conduct that is disgraceful  
3 that adversely affected your effectiveness as  
4 a corrections officer.  
5 A. No.  
6 Q. Okay. If you look at that particular  
7 regulation, it says conduct that is  
8 disgraceful on or off the job but it does  
9 adversely affect employee's effectiveness on  
10 the job, does it not?  
11 A. Yes.  
12 Q. Okay. Can you tell me how in God's green  
13 earth you have to be on the clock and you  
14 have conduct that is disgraceful on or off  
15 the job?  
16 MR. PITTERS: Object to the form.  
17 Argumentative of the witness.  
18 Q. What I'm trying to understand is that  
19 regulation requires you to conduct yourself  
20 on or off the job in a way that does not  
21 adversely affect your effectiveness as a  
22 corrections officer, does it not?  
23 A. Yes.

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1 disruptive behavior while within the hours  
2 employed with the Department of Corrections.  
3 Your answer was no. Is that your answer?  
4 A. Yes.  
5 Q. Would you agree with me that while you're not  
6 in the hours of employ with the Department of  
7 Corrections but on DOC property, that you  
8 engaged in fighting, assault, physical  
9 violence and disruptive behavior?  
10 A. No.  
11 Q. Okay. So you're saying that you didn't  
12 engage in any physical violence, fighting,  
13 assault or disruptive behavior at all on  
14 February 10th, 2005?  
15 A. No.  
16 Q. Okay. And your testimony was that within the  
17 hours of employment, you committed no conduct  
18 that is disgraceful that adversely affected  
19 employees' effectiveness on the job. Is that  
20 your testimony?  
21 A. From what?  
22 Q. Your testimony was just a while ago that  
23 within the hours of your employment from two

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1 Q. Okay. So it makes no difference with that  
2 particular Administrative Reg whether or not  
3 you were on the clock or off the clock,  
4 correct?  
5 A. Yes.  
6 Q. Would you agree with me that you in the  
7 activities that you conducted on February  
8 10th, 2005, may impact your effectiveness as  
9 a corrections officer as it -- you deal with  
10 inmates on day-to-day?  
11 MR. PITTERS: Object to the form.  
12 Q. Well, let's get down to the -- let's get  
13 down. Do you agree with me that your  
14 effectiveness as a corrections officer is  
15 compromised when you're out fighting in the  
16 parking lot, correct?  
17 MR. PITTERS: Object to the form.  
18 A. No.  
19 Q. It doesn't?  
20 A. I wasn't fighting.  
21 Q. Oh, okay. Now, you're still saying that  
22 bumping your chest and going for your knife  
23 is not engaged in any type of fighting?

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1 A. No. I wasn't fighting.  
2 Q. What about disruptive behavior? Would you  
3 call it disruptive behavior?  
4 A. No.  
5 Q. He asked you that while you were on the  
6 clock, you did not possess any firearm,  
7 weapon, or explosive or other dangerous  
8 items. You remember him asking you that, and  
9 your answer was no, correct?  
10 A. Uh-huh. Yes.  
11 Q. But you did -- but you did possess a knife on  
12 DOC property that was not authorized by the  
13 warden, correct?  
14 A. Excuse me. You confused me there. Did you  
15 say while I was on the clock?  
16 Q. Well, no. He asked you -- Mr. Pitters asked  
17 you that while you were on the hours of  
18 employment on February 10th, 2005, you did  
19 not possess a weapon. And your answer was  
20 no, correct?  
21 A. Yes.  
22 Q. But you did possess a weapon on February  
23 10th, 2005 in the parking lot of the Alabama

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1 Department of Corrections that was not  
2 authorized by the warden; is that not  
3 correct?  
4 A. Yes.  
5 Q. Okay. Your testimony concerning Captain  
6 Billups and during a shakedown of a few  
7 employees, you would agree with me that the  
8 purported facts of that are in no way similar  
9 to what you did in the parking lot of  
10 February 10th, 2005, would you not?  
11 MR. PITTERS: Object to the form.  
12 A. No.  
13 Q. How is it similar if Captain Billups  
14 purportedly found some employees possessing  
15 some weapons to what you did on February  
16 10th, 2005?  
17 A. Because the weapons that the male officers  
18 had, she instructed them to take them back to  
19 their car.  
20 Q. Is that how --  
21 A. And it was no disciplinary actions taken  
22 against them.  
23 Q. Are you saying that those -- the events of

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1 those officers, if it did occur, those are  
2 similar to what you did on February 10th,  
3 2005?  
4 A. Okay. You're saying the events. The event  
5 is that there -- it was a shakedown conducted  
6 and they had weapons on them, which was a  
7 knife -- pocket knife.  
8 Q. Other than involving purportedly a weapon  
9 during a shakedown, is there any other  
10 similarity to you on February 10th, 2005?  
11 A. Is it a similarity with me?  
12 Q. How is it the same?  
13 A. Because they had a weapon on them. The  
14 weapon was in they possession, which was on  
15 them. Mine was in my car.  
16 Q. Would you agree with me that you have no  
17 information concerning the shakedown that  
18 involves any of those officers bumping the  
19 chest of another officer on the Alabama  
20 Department of Corrections?  
21 A. This was during the shakedown.  
22 Q. All right. Do you have any information, any  
23 personal knowledge that any of those officers

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1 during a shakedown bumped the chest of  
2 another officer?  
3 A. No.  
4 Q. Okay. So your case is, at least on that  
5 point, different from what you know about  
6 what happened with Captain Billups, correct?  
7 A. Yes.  
8 Q. Did the events of Captain Billups involve  
9 name-calling and arguing as it did with you  
10 on February 10th, 2005?  
11 A. I don't know. I wasn't there at that present  
12 the time.  
13 Q. But you have no personal knowledge of that  
14 concerning Captain Billups, correct?  
15 A. Yes.  
16 Q. Would you agree with me that if there was no  
17 arguing or cussing or name calling involving  
18 the officer, Capital Billups, that that's  
19 different than your situation on February  
20 10th, 2005?  
21 A. No.  
22 Q. No, what?  
23 A. I don't think it's -- I mean, I don't think



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1 it's different.  
2 Q. You don't think it's different?  
3 A. It's -- it's the same.  
4 MR. PITTERS: Asked and answered.  
5 Objection. Asked and answered.  
6 Q. Would you agree with me -- let me ask you  
7 this. Do you have any personal knowledge of  
8 any of the officers during the shakedown with  
9 Captain Billups had attempted to use their  
10 weapons on another officer as you did on  
11 February 10th, 2005?  
12 A. I don't know.  
13 Q. Okay. So you have no personal knowledge of  
14 that?  
15 A. I don't know.  
16 Q. If that didn't occur during the shakedown  
17 with Captain Billups -- that is, no officer  
18 attempted to use a knife on another  
19 officer -- if that occurred or did not occur,  
20 would you agree with me that that situation  
21 is different from your situation on February  
22 10th, 2005?  
23 A. No.

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1 Q. Is it the same?  
2 A. Yes.  
3 Q. How is it the same?  
4 A. Because they had weapons that was on them  
5 which was in they possession.  
6 Q. Okay. Would you agree with me that you  
7 attempted to use your weapon and you have no  
8 information that they attempted to use their  
9 weapon?  
10 A. I don't know, because I don't know what was  
11 to be justified for that day.  
12 Q. But you're sitting here today. You have no  
13 information that the officers during the  
14 shakedown attempted to use their knife like  
15 you used your knife on February 10th, 2005?  
16 A. I don't know.  
17 Q. If the officers during the shakedown did not  
18 attempt to use their knife and you attempted  
19 to use your knife on February 10th, 2005, you  
20 would agree with me that the two situations  
21 are different?  
22 A. No.  
23 Q. How are they the same?

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1 A. Because I can't say as of to what might have  
2 happened inside the institution of the other  
3 officers.  
4 Q. But you have no information, no personal  
5 knowledge that the officers attempted to use  
6 their knife like you attempted to use your  
7 knife on February 10th, 2005?  
8 A. Repeat that again, now.  
9 Q. You have no personal knowledge of any of the  
10 officers during this purported shakedown a  
11 tented to use their weapon like you used your  
12 weapon on February 10th, 2005?  
13 A. I don't know.  
14 Q. So you won't agree with me that the two  
15 situations are different?  
16 A. Yes.  
17 Q. Okay. You won't agree with that. Okay.  
18 MR. BIGGS: I think that's all.  
19 MR. PITTERS: Okay. That's all I've  
20 got.  
21 (The deposition concluded  
22 at 5:50 p.m.)  
23 \*\*\*\*\* FURTHER DEPONENT SAITH NOT \*\*\*\*\*

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1 REPORTER'S CERTIFICATE  
2 STATE OF ALABAMA  
3 ELMORE COUNTY  
4 I, Dee Coker, Registered Professional  
5 Reporter and Commissioner for the State of  
6 Alabama at Large, hereby certify that on  
7 Wednesday, April 26, 2006, I reported the  
8 deposition of FELICIA SUZETTE HENDRICKS, who was  
9 first duly sworn or affirmed to speak the truth  
10 in the matter of the foregoing cause, and that  
11 pages 5 through 184 contain a true and accurate  
12 transcription of the examination of said witness  
13 by counsel for the parties set out herein.  
14 I further certify that I am neither of kin  
15 nor of counsel to any of the parties to said  
16 cause, nor in any manner interested in the  
17 results thereof.  
18 This 8th day of May, 2006.  
19  
20  
21  
22 DEE COKER, CSR, RPR  
Commissioner for the  
State of Alabama at Large  
23  
MY COMMISSION EXPIRES: 1/25/2009



IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FELICIA S. HENDRICKS,

Plaintiff,

vs.

WARREN MCDONNELL, et al.,

Defendants.

2:05-CV-714-F

**NOTICE TO TAKE DEPOSITION**

**TO: FELICIA S. HENDRICKS,  
Post Office Box 251554  
Montgomery, Alabama 36125**

Please take notice that on the 26<sup>th</sup> day of April, 2006, the Defendants will take the deposition of Felicia S. Hendricks beginning at 1:00 p.m. at the office of the undersigned counsel for the Alabama Department of Corrections, 301 South Ripley Street, Montgomery, Alabama, before a notary public or any other officer duly authorized by law to administer oaths, and is to bring with them to said deposition the following documents:

1. Any and all written and/or tape recorded notes, memorandum, or other documents in your possession or subject to your control which supports the claims made the basis of this lawsuit.
2. All documents which the plaintiff utilized to prepare for deposition testimony or to refresh Plaintiff's recollection.
3. Copies of all medical records which are in the plaintiff's possession or control which relate to the plaintiff's medical condition or health during the period of time germane to this lawsuit.
4. Any and all tape recordings of any employee, or former employee, of the Department of





Corrections or any other person who may be called to testify in this proceeding.

5. Any paperwork associated with complaints and/or grievances made and/or filed by the Plaintiff against any employee of the Department of Corrections, or relating to any adverse working condition and/or unequal treatment existing within the Alabama Department of Corrections.

6. Any and all written and/or tape recorded notes, memorandum, or other documents submitted to any office of the Equal Employment Opportunity Commission which relate in any way to the allegations raised in the complaint.

7. Each notepad and/or notes, calendars or writings used or made by this plaintiff during his employment with the Department of Corrections and which relate to the claims asserted in his complaint.

8. Any witnesses statements that you anticipate using to support your claims in the above styled cause.

9. Any notes, letters, or other documents received by you from any person that you anticipate calling as a witness in the above styled cause.

10. Any correspondence, written documents, or other papers that relate, in any way, to any purported loss of wages by you in the claims of the above style cause.

Respectfully submitted,

Kim T. Thomas (THO115)  
General Counsel  
Deputy Attorney General

  
Greg Biggs (BIG004)  
Assistant Attorney General  
Assistant General Counsel

**ADDRESS OF COUNSEL:**

Alabama Department of Corrections  
Post Office Box 301501  
301 South Ripley Street  
Montgomery, Al. 36130  
(334) 353-3885

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 14<sup>th</sup> day of April, 2006, that I served a copy of the foregoing document via United States Mail, postage prepaid, first class, on :

**FELICIA S. HENDRICKS**  
**P. O. Box 251554**  
**Montgomery, Alabama 36125**

**A. WESLEY PITTERS, P.C.**  
**1145 South Perry Street**  
**P.O.Box 1973**  
**Montgomery, AL 36102-1973**

  
Greg Biggs (BIG004)  
Assistant Attorney General  
Assistant General Counsel

IN THE UNITED DISTRICT COURT FOR THE MIDDLE DISTRICT  
OF ALABAMA

RECEIVED

FELICIA S. HENDRICKS, #40

DEBRA PLAINTEIFF  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

V.

WARDEN McDONNELL, AND  
THE DEPARTMENT OF  
CORRECTIONS,  
RESPONDENTS,

\*  
\*  
\*  
\*  
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\*  
\*  
\*  
\*  
\*

2005 JUL 12 A 9:43

FEDERAL BUREAU OF INVESTIGATION

CIVIL ACTION

CASE NO # 2:05cv714-F

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS, EQUAL PROTECTION  
OF THE LAW, AND DISMISSAL FROM EMPLOYMENT WITHOUT  
JUST CAUSE

Comes now the PLAINTIFF FELICIA S. HENDRICKS, AND SHE SHOWS THAT THE NAMED RESPONDENTS VIOLATED HER CIVIL RIGHTS, EQUAL PROTECTION OF THE LAW AND DISMISSED HER FROM HER JOB AS A CORRECTIONAL OFFICER FOR THE ALABAMA DEPARTMENT OF CORRECTIONS WITHOUT JUST CAUSE IN VIOLATION OF HER CIVIL RIGHTS UNDER THE CIVIL RIGHTS ACT OF 1964, IN VIOLATION OF HER EQUAL PROTECTION GUARANTEES UNDER THE U.S. CONSTITUTION, AND IN VIOLATION OF HER EQUAL PROTECTION RIGHTS UNDER ARTICLE 1, SECTION 6, OF THE ALABAMA CONSTITUTION OF 1901.





PLAINTIFF FURTHER SHOWS HER DUE PROCESS RIGHTS PURSUANT TO THE U.S. CONST. WERE, PURSUANT TO THE CONST. OF ALABAMA 1901, VIOLATED WHEN THE PLAINTIFF WAS FIRED FROM HER JOB WITHOUT JUST CAUSE BY THE RESPONDENT, AS GROUNDS IN SUPPORT OF THE COMPLAINTS OF THE PLAINTIFF, PLAINTIFF SHOWS THE FOLLOWING:

### JURISDICTION

PLAINTIFF SHOWS RECOVERY FOR DAMAGES SHE NOW SEEKS ARE COGNIZABLE UNDER 42 U.S.C. SECTION 1983, AND THIS CAUSE IS PROPERLY BEFORE THE COURT OF LAWFUL JURISDICTION RULE 3 F.R.C.V.P., WHEREIN A CIVIL ACTION IS FILED WITH THE COURT WHEREIN THE ACTION COMPLAINED OF ORIGINATED, THEREFORE THIS HONORABLE COURT HAS JURISDICTION IN THIS CAUSE.

### ARGUMENT

PLAINTIFF FELICIA S. HENDRICKS, SHOWS SHE WAS AN EMPLOYEE OF THE ALABAMA DEPARTMENT OF CORRECTIONS, FOLLOWING A CONFRONTATION WITH TWO FELLOW FEMALE CORRECTIONAL OFFICERS IN THE PARKING LOT AREA OF THE KILBY CORRECTIONS FACILITY LOCATED IN MT. MEIGS, ALABAMA, AND UPON THE ISSUE OF A POCKET KNIFE BELONGING TO THE PLAINTIFF, BEING DISPLAYED IN DEFENSE OF BODILY HARM AND INJURY FROM THE TWO FELLOW FEMALE CORRECTIONAL OFFICERS, SHE WAS FIRED FROM HER JOB AS A CORRECTIONAL AT KILBY CORRECTIONAL FACILITY. IN VIOLATION OF HER CIVIL RIGHTS, EQUAL PROTECTION OF THE LAW, AND HER DUE PROCESS OF LAW

GURANTEES OF THE U.S. CONST. AND UNDER VIOLATION OF THOSE SAME RIGHTS UNDER ARTICLE 1, SECTION 6, OF THE ALABAMA CONST. OF 1901

PLAINTIFF SHOWS ALL OF THE RIGHTS COMPLAINED TO HAVE BEEN VIOLATED NOT ONLY UNDER HER CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS GURANTEES, BUT UNDER THE ALABAMA DEPARTMENT OF CORRECTIONS ON PROCEDURES ESTABLISHED UNDER ADMIN. REG. #207 IN THAT SECTION TWO(2) SUBSECTION (B) WHICH GOVERN RESPONSIBILITIES OF D.D.C. PERSONNEL STATES:

SUBSECTION (B) SUPERVISORS ARE RESPONSIBLE FOR PROVIDING POSITIVE LEADERSHIP AND SETTING A GOOD EXAMPLE ADDITIONALLY THEY MUST PROVIDE ADVICE AND ASSISTANCE TO EMPLOYEE'S AND TREAT ALL EMPLOYEE'S IN A FAIR AND EQUITABLE MANNER

PLAINTIFF SHOWS THAT MOST IF NOT ALL MALE OFFICERS CARRY SOME KIND OF PIN OR SMALL KNIVES IN THEIR POSSESSION WHILE INSIDE THE INSTITUTION TO CUT STRINGS DOWN USED BY INMATES TO HANG THEIR LAUNDRY OR A PRIVACY TYPE CLOTH ON THEIR BUNKS. MALE OFFICERS ALSO CARRY THESE SAME TYPE KNIVES FOR OPENING BOXES OR PACKAGES OPEN WHEN THEY ARE RECEIVED INTO THE INSTITUTION FOR PURPOSES OF SEEKING OUT CONTRABAND OR TO SEEK OUT ANYTHING THAT WOULD CREATE A THREAT TO THE SECURITY OF THE INSTITUTION, THE INMATES HOUSED UNDER THEIR AUTHORITY OR TO THEMSELVES.

PLAINTIFF, A FEMALE, KEPT SUCH A SMALL POCKET KNIFE IN HER POSSESSION WAS NOT FOUND AS PERMISSIVE AS THE MALE OFFICERS SHE WAS FIRED FOR THIS REASON. THE PLAINTIFF SUPERVISORS, SUPERIORS AND A.D.C. OFFICIALS FAILED TO TREAT HER IN

IN FAIR AND EQUITABLE MANNER IN THIS MATTER A DEEMED MANDATORY BY SECTION TWO (2), SUBSECTION (B) OF ADMIN. REG. #207 FOR THIS REASON, PLAINTIFF WAS DENIED HER DUE PROCESS RIGHTS TO HAVE FAIR AND IMPARTIAL DECISION MAKERS INVESTIGATE HER INCIDENT IN THE PARKING LOT OF THE KELBY CORRECTIONS FACILITY WHERE SHE WAS EMPLOYED.

PLAINTIFF EXPRESSES THIS DUE TO THE FACT SHE WAS NOT TREATED FAIRLY IN THAT OFFICERS FOUND IN POSSESSION OF SUCH KNIVES ARE NOT DISCIPLINED FOR THIS FACT YET PLAINTIFF WAS FIRED.

PLAINTIFF REQUEST THAT THIS HONORABLE COURT TAKE JUDICIAL NOTICE THAT SEVERAL INCIDENTS OCCUR IN FACILITIES WHERE OFFICERS ARE PLACED AS PUNISHMENT TO WORK IN TOWERS OR TRANSFERRED TO ANOTHER FACILITY.

PLAINTIFF SHOWS FURTHER, THESE ACTIONS VIOLATED HER EQUAL PROTECTION RIGHTS UNDER THE STATED SECTIONS IN THAT SHE IS PART OF A PARTICULAR CLASS WHOSE CONDUCT MUST BE EVENLY AND DISPROPORTIONATELY VIEWED AND ASSESSED AS TO DISCIPLINE, AND TO PUNISH A FEMALE OFFICER FOR POSSESSION OF AN OBJECT POSSESSED BY MOST IF NOT ALL CORRECTIONAL OFFICERS WHO SUFFER NO DISCIPLINE OR PUNISHMENT, CLEARLY SHOWS A DISPARITY OR FAVORITISM TO A PORTION OF THE CLASS SHE IS A PART OF. AND AS SUCH CLEARLY VIOLATES HER PROTECTION TO BE TREATED EQUALLY AND FAIRLY THUS COMES A CLEAR DENIAL OF EQUAL PROTECTION

FURTHER, IT IS CLEARLY SHOWN BY ADMIN. REG. #207 SECTION THREE (3) (C) (9) THAT THERE ARE NO PROHIBITIONS OF A POCKET KNIFE FROM THE POSSESSION OF A.D.O.C. EMPLOYEES.



THIS SECTION STATES:

NO EMPLOYEE SHALL:

CARRY ANY FIREARMS, TEAR GAS, AMMUNITION, OR BLACK JACK IN INSTITUTION EXCEPT AS MAYBE AUTHORIZED BY THE WARDEN

THIS SECTION DOES NOT PROHIBIT A POCKET KNIFE AS A POCKET KNIFE IS NOT EXPRESSED IN THIS SECTION NOR DOES THE SECTION IMPLY THAT "ANY OTHER ARTICLE" OTHER THAN IS STATED REQUIRES ANY SPECIAL PERMISSION FROM THE WARDEN OR HIS DESIGNEE TO HAVE IN THE EMPLOYEE'S POSSESSION WHILE AT WORK AT HIS OR HER JOB. IT CERTAINLY DOES NOT IMPLY THAT ANY OF THE ARTICLES LISTED IN THE SECTION ARE PROHIBITED FROM POSSESSION OF AN EMPLOYEE MALE OR FEMALE OUTSIDE THE INSTITUTION.

AS SUCH THE PLAINTIFF'S CIVIL RIGHTS WERE VIOLATED FOR BEING SIGNALLED OUT AS A FEMALE IN POSSESSION OF A POCKET KNIFE ON STATE PROPERTY WHILE ALL OTHERS MALE AND FEMALE OFFICERS ARE ALLOWED TO POSSESS FIREARMS, AMMUNITION, TEAR GAS, AND BLACK JACKS IN THEIR PERSONAL POSSESSION AND INSIDE THEIR VEHICLES.

PLAINTIFF SHOWS AT BEST, HER CONDUCT FELL INTO GROUP I DISCIPLINE STATUS OF ADMIN. REG. #208 WHICH GOVERNS DISCIPLINE FOR D.O.C. PERSONNEL, PLAINTIFF SHOWS AT BEST SHE IS GUILTY OF SECTION THREE (3) (B) (3) (E) OF ADMIN. REG. #208 THAT STATES:

(E): PARTICIPATION IN UNAUTHORIZED ACTIVITY OF A MINOR NATURE AT THE WORK PLACE AND/OR IMPROPER USE OF DUTY TIME.

PLAINTIFF SHOWS HER CONDUCT DID NOT FALL WITHIN A SCOPE OF CONDUCT THAT WARRANTED A TERMINATION OF HER JOB.

PLAINTIFF SHOWS THAT SHE DID NOT HAVE ANY REPEAT ABUSE OF GROUP I OR GROUP II OFFENSES THAT WOULD CARRY TERMINATION FOR REPEAT GROUP I OR GROUP II CONDUCT VIOLATIONS CARRYING TERMINATION AS A LAST RESORT.

SEE SIMS V CLOVER, 84 F.SUPP.2d. 1273 U.S.C.A. CONST. AMEND 14 M.D. ALA. 1999, TO STATE CLAIM THAT EQUAL PROTECTION RIGHTS WERE VIOLATED, CLAIMANT MUST ALLEGE THAT SHE IS SIMILARLY SITUATED WITH INDIVIDUALS WHO WERE TREATED DIFFERENTLY THAN SHE AND THAT DIFFERENTIAL TREATMENT WAS DISCRIMINATORILY BASED ON CLAIMANT'S MEMBERSHIP IN CONSTITUTIONALLY PROTECTED CLASS, SUCH AS RACE, RELIGION, OR NATIONAL ORIGIN.

PLAINTIFF SHOWS HER OVERALL CONDUCT WOULD HAVE TO BE IN GROUP IV OF ADMIN. REG. #208 FOR HER TO BE TERMINATED ON A "FIRST OFFENSE" VIOLATION AND THAT THE RESPONDENTS ABUSED THEIR AUTHORITY IN TERMINATING HER AND THUS VIOLATED HER DUE PROCESS RIGHTS BY PLACING HER IN THE IMPROPER GROUP CATEGORY FOR REPRIMAND AND DISCIPLINARY PUNISHMENT.

INHEREFORE, PREMISES CONSIDERED, PLAINTIFF DEMANDS JUDGEMENT AS FOLLOWS:

- A) REINSTATEMENT OF HER JOB.
- B) PAYMENT FOR ALL LOST WAGES
- C) ALL RESTORATION OF SICK TIME AND HOLIDAYS.

STATE OF ALABAMA)  
MONTGOMERY COUNTY )

I HEREBY DECLARE THAT THE CONTENTS OF MY COMPLAINT  
ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OF  
THE FACTS AS THEY ARE KNOWN TO ME.

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 2005.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
MY COMMISSION EXPIRES



CONCLUSION

WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS THIS HONORABLE COURT TO AWARD HER THE RELIEF SOUGHT IN HER COMPLAINT.

ON THIS THE 11 DAY OF July 2005

SWORN TO AND SUBSCRIBED BEFORE  
ME THIS THE 11 DAY OF July 2005  
Karen Massey  
NOTARY PUBLIC, AL ST. AT LARGE  
MY COMMISSION EXPIRES 3/18/07

Felicia S. Hendricks  
Felicia S. Hendricks  
543 Leblondy Lane D.O. Box 292534  
Montgomery, AL 36116 (334) 288-2429  
36125 (334) 546-3071  
PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY DECLARE THAT I HAVE ON THIS DATE CAUSE A COPY OF THE FOREGOING DOCUMENT TO BE SERVED UPON THE OFFICE OF THE CLERK FOR THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA BY PLACING COPIES OF THE SAME IN THE U.S. MAIL POSTAGE PREPAID. I

ON THIS THE 1<sup>st</sup> DAY OF August 2005

HON. THOMAS C. CAVER CLERK OF THE COURT  
P.O. BOX 711  
MONTGOMERY, ALABAMA 36101

Felicia S. Hendricks  
PLAINTIFF  
P.O. Box 251554  
543 Leblondy Lane D.O. Box 292534  
Montgomery, AL 36116 (334) 288-2429  
36125 (334) 546-3071

Warden Terrance McDonnell  
P.O. Box 150  
Mt. Meigs, AL 36057

The Department of Corrections  
P.O. Box 301  
Montgomery, AL 36130

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DATE: 03-17-05NAME: Hendrick's Felicia Suzette CLASSIFICATION: Correctional Officer I  
Last First MiddleINSTITUTION: Kilby SECTION/SHIFT: 2ndYEARS WITH DEPARTMENT OF CORRECTIONS: 4 1/2 YEARS IN CLASSIFICATION: 4 1/2SUPERVISOR'S NAME: Warden Terrence McDermott DATE OF ALLEGED INCIDENT OR MISAPPLICATION OF RULE OR REGULATION: 03-04-05NATURE OF GRIEVANCE: Being singled out / dismissed for having a small pocket knife on state property; numerous of officers at Kilby have been found to have knives and other unauthorized items inside and on state property. Supervisors had informed the officers to take their weapons back to the cars and return to work. Names and events will be explained in person. (SEE CONTINUATION)REMEDY SOUGHT: The same type of discipline he enforced against each officer the same way. Be advised this is the first time Officer Hendrick's have had any form of discipline. See complaint form 1, 2 and 3 for further details. (SEE CONTINUATION)

DECISION RECEIVED AT STEP ONE: \_\_\_\_\_

DECISION RECEIVED AT STEP TWO: \_\_\_\_\_

Felicia Hendrick's 3/17/05  
SIGNATURE OF GRIEVANT

DECISION AT STEP THREE: \_\_\_\_\_

SIGNATURE/TITLE/DATE



CONTINUATION OF REMEDY SOUGHT:

Request a personal conference with whom ever is concerned.

CONTINUATION OF GRIEVANCE DATED 03/17/05

The subject matter addressed by Warden Terrance McDonnell quoting abstracts from Regulation #207 and #208 do not apply in my situation unless it apply to certain officers. Numerous shakedowns of cars at Kilby Prison have found knives, weapons and other materials with no action taken against the other officers.

As Officer Hendricks has stated earlier two other female officers and an unknown female approached Officer Hendricks in a non-friendly manner using profanity and aggression, in my opinion I had no other choice but try and ward them off. At Kilby there have been incidents where officers have been in struggles at the camp/parking lot with no further action taken, Officers involved in domestic violence with their wives/girlfriends with or without weapons with no further action taken against them.

Officer Hendricks was called in for a Pre-Dismissal Conference as explained in the final report, without allowing Officer Hendricks to explain my situation in which is a violation of my due process. Why am I being singled out with a first time offense and dismissal without a warning or a second chance or reprimand? Officer Hendricks request a detail investigation of my so call Pre-Dismissal Conference which turned out to be a dismissal without my knowledge.

*Alicia Hendricks* 3/17/05

RECEIVED

GRIEVANCE FORM FOR STEP 3

(1 - 3)

2005 JUL 12 A 9:43

DATE OF GRIEVANCE (ACT): 03/01/05  
 CHECK IF ADA FILING: ☐  
 FILE STEP 2: 3  
 FILE STEP 3: 3

FILED STEP 1: \_\_\_\_\_  
 COMPLETED STEP 1: \_\_\_\_\_  
 COMPLETED STEP 2: \_\_\_\_\_  
 COMPLETED STEP 3: \_\_\_\_\_

NAME: Alicia HendricksSSN: 420-98-2608INSTITUTION: Kilby Correctional FacilityCLASSIFICATION: COIYEARS OF SERVICE W/DOC: 5IN CLASSIFICATION: COISUPERVISOR'S NAME: Warden Terrance McDonnell SECT/SHIFT: 2nd

NATURE OF GRIEVANCE: Being considered for dismissal for making a defensive act facing down two female officers and a civilian female who made aggressive moves toward Officer Alicia Hendricks. (See continuation for further details). Inclosures 1 thru 6

## REMEDY SOUGHT

For my actions I deserve some form of discipline/guidance but not dismissal. I am willing to attend and complete anger management classes, if desired. I'm a single parent with two young girls to support and I need my job being a single parent and doing a professional job with D.O.C. I request appropriate actions to be taken against the other parties.

SIGNATURE OF GRIEVANT

DECISION AT STEP \_\_\_\_\_

SIGNATURE/TITLE/DATE



INCL: 1

On February 10, 2005, at approximately 10:00pm CO1 Edwin Hendricks invited for CO1 Satyan Nelson to ask for Nelson about the rumor spreading inside the institution among officers, nursing staff and inmates. As CO1 Nelson approached for car, which both Hendricks and Nelson cars were parked side by side. CO1 Hendricks asked CO1 Nelson in a calmly manner, "Do you have anything to say to me?" CO1 Nelson said, "No" in a smug tone. CO1 Hendricks said, "Are you sure?" Then CO1 Hendricks said to Mrs. Nelson then, "Why is you going around for telling people that I stole your money?" CO1 Nelson replied, "You did." I (Hendricks) told Mrs. Nelson that I (Hendricks) don't have to steal from you, after all the times I let you borrow money. By that time our voices Hendricks + Nelson started getting louder. We both Hendricks + Nelson were in each other's face yelling and crying. Then CO1 Kanner Phan, Roswell Pottaway, Grey Craig and stated you'll need to



leave that mess alone. CO1 Michael Armstrong observed the incident from his car. CO1 Penn, Pettaway and Craig stated you'll need to leave. CO1 Nelson stated, "I'm not leaving and ain't nobody fixing to fight. I need to talk to Mrs. Sandrichs and get this off my chest." CO1 Penn stated to CO1 Nelson, "I'll give you \$100 dollars and you'll just leave with this mess. Then CO1 Nelson stated, "The money isn't the issue. Mrs. Sandrichs haven't spoke to me or said anything to me in two whole weeks and that's why I thought she had my money." I replied to Mrs. Nelson, "I don't have your money and why would I steal from you anyway. I don't have to steal. By that time Mrs. Nelson said, "You'll leave me alone I just want to talk to Mrs. Sandrichs alone." Then after that Mrs. Nelson asked me to get in her (Nelson) car and I did.



The arguing had ceased as COT Hendricks and Nelson was in her car talking to each other. I told Mrs. Nelson, I don't have your money and why would I steal from you anyway after all the times I gave you money for gas and whenever you asked me I gave it to you and I never bothered you about paying me back. Then Mrs. Nelson replied, "Woman, it's been two weeks and you haven't spoke to me or said a word to me." I told Mrs. Nelson what do you expect for me to say when you're going around accusing me of stealing your money. The right thing you could have done was come to me and ask me instead of accusing me. COT Hendricks and Nelson both apologized to each other. By that time COT Liliana Colbert, a female friend and a child had pulled up in front of COT Nelson's



car. In which CO1 Colbert had left the parking lot for home and returned back. CO1 Colbert got out of his (Colbert) car and approached CO1 Nelson's driver door, opened it and stated to CO1 Nelson, "Are you alright?" CO1 Nelson replied, "I'm fine, I just want to talk to Mr. Denchick." Then CO1 Colbert stated to CO1 Nelson, "I'm your friend and I'm not leaving." I told CO1 Nelson that I'd see you later. As I (Denchick) got out the passenger side of Nelson's car while CO1 Colbert was standing at the driver side, CO1 Colbert stated to CO1 Nelson, "I told you that Bitch isn't shit." CO1 Denchick replied to CO1 Colbert "This doesn't have anything to do with you." Then Colbert stated to Denchick, "We (Colbert + Nelson) don't like you anyway." CO1 Denchick replied, "Who cares because I don't like you either."



Then Colbert walks to her car pulled off her jacket, pulled her shirt out and said, calling Sanduck all kinds of Bitches and Shes, telling me to bring it on. At that time Colbert continued to walk back and forth to her car yelling out loudly. By that time her female friend got out the car and opened the back door, then that's when I grabbed my pocket knife from the inside of my driver door and pulled it out. By that time CO1 Penn had grabbed my hand and took it from me. Then CO1 Colbert started yelling "She's got a knife, Bitch you got to use a knife. I replied to CO1 Penn who was holding me, that, "That Bitch and shit." Then CO1 Penn pushed me in my car and closed the door and I CO1 Sanduck pulled off and left, then CO1 Nelson

followed me (Hendricks).

On February 27, 2005 at approximately 10:35 pm, CO1 Hendricks called CO1 Nelson on her (Nelson) cell phone and we talked. CO1 Nelson said she was wondering when I was going to call her. I (Hendricks) told her that I didn't know if you really wanted to talk to me. CO1 Nelson said "I'm not mad at you and I told her I wasn't mad at her either. Then we talked about a few things and then she said she didn't think that things would have gone this far. She (Nelson) said that she heard that I (Hendricks) could lose my job and she (Nelson) didn't want that to happen. Then I (Hendricks) asked her do you have a problem working with me and she (Nelson)



said "no." But she (Nelson) said that C-1 Colbert said "She (Colbert) didn't want me to lose my job either, but she (Colbert) can't work with me in fear of her (Colbert) life. I asked Mrs Nelson could she write a statement and she did say "yes," she have no problem with that, and that she (Nelson) would get back with me the next morning, but she never did.

Julius Anderson

INCL. 2

On 2-10-05 at approx. 10:<sup>03</sup> PM,  
 upon ending my tour of duty at  
 Kelly Correctional Facility, I & Cpl  
 Craig was heading toward my  
 car in the parking lot. I & Cpl  
 Craig observed Cpl Felicia Mendez  
 and Cpl Latorja Nelson getting in  
 Cpl Nelson's car. At approx. 10:<sup>03</sup> PM,  
 I & Cpl Craig began to pull out of  
 the parking lot. Cpl Latorja bobbit  
 pull up her <sup>car</sup> behind me and  
 blocked my way out. I & Cpl Craig then  
 asked Cpl bobbit could she move her  
 car for me please. Cpl bobbit then  
 told somebody in her car to move  
 it. They moved the car. I & Cpl  
 Craig began to exit the property  
 and observed Cpl bobbit walk toward  
 Cpl Nelson's car and open the driver  
 side door. I & Cpl Craig then drove off  
 and did not witness anything else.

For Craig Cpl



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## DUTY POST LOG

[illegible]



INCL: 4

On February 10, 2005 at approximately 10:02 p.m. after leaving the institution and entering the parking lot. After walking to my car I observed CoI Felicia Hendricks and CoI Katya Nelson arguing loudly. I immediately grabbed CoI Hendricks by the arm and tried to place her in the car. CoI Hendricks stated that she was not going anywhere until she gets straight with CoI Nelson because she was not a thief. CoI Nelson came behind CoI Hendricks yelling "you got my money because it was in the car and you and I were the only ones in the car." I told CoI Nelson to get in her car and drive down the road and to get this settled down the road off of state property. I told them not to do this in front of everybody and that this shit is going to be all over the prison. Both stated that they were not going anywhere until they got it straight. I told CoI Nelson that if it was over a \$100 dollars that I would give her a \$100 dollars.

COT Nelson stated that it wasn't about the money. After arguing about 2 minutes COT Nelson and COT Hendricks got into COT Nelson's car. The loud arguing had ceased. COT Colbert who had left the institution had come back to the parking lot, parked her car in front of COT Nelson's car got out of her car and walked to the driver's side where COT Nelson was sitting yelling "I'm not going to let you jump on my friend and we are not studying you." COT Hendricks got out of the car and said this didn't got nothing to do with you Ms. Colbert. COT Nelson jumped out of the car and told COT Colbert to go home. COT Colbert went back to her car and pulled off her jacket and pulled her shirt out and told COT Hendricks to bring it on. COT Colbert began to walk towards COT Hendricks. COT Hendricks calling her Bitches and whores. I observed the female civilian in COT Colbert's car open the passenger door and get out and open the back passenger door of COT Colbert's car. COT Colbert continued to walk toward COT Hendricks. COT Nelson was standing next to the passenger's side of COT Hendricks car. COT Hendricks then reached in the driver's side door and grabbed a pocket knife. COT I then immediately grabbed the knife from COT Hendricks and dropped the knife back in the door, and pushed COT Hendricks

back into her car. CoI Albert stated you see that the bitch had to get a knife for me, CoI Hendrick had pulled out of the parking lot. CoI Nelson had immediately followed CoI Hendricks. After the incident I had ran to assist Lt. Tchernavira Blackmon who had fallen. After checking on Lt. Blackmon I departed the parking lot.

A handwritten signature in black ink, appearing to be 'K. R.' with a long horizontal stroke extending to the right.



INCC.5

**PETITION FOR COI FELICIA HENDRICKS TO  
REMAIN WITH THE DEPARTMENT OF  
CORRECTIONS**

1. [Signature]
2. Katie Bailey Wm.
3. COI Calvin Banks
4. Charles Ackland COI
5. Eric Richardson COI
6. Ann P. COI
7. Kevin Wallace COI
8. Lerran L. Graves Wm.
9. Frankie Brown COI
10. Dallas King Wm.
11. [Signature]
12. [Signature] COI
13. Katrina Henderson Wm.
14. Daniel P. Bishop, COI
15. [Signature]
16. Anthony M. Britton, Wm.
17. [Signature] COI
18. [Signature] COI
19. [Signature] COI
20. [Signature]

21. Alfreda DeLaney CPL
22. John F. Richardson COI
23. John And COI
24. Earl Cannon COI
25. Leonard Cannon COI
26. Tommy P. G. G. COI
27. to SS COI
28. Robert Young COI
29. B. Clay COI
30. J. H.
31. Ronald S. Gil COI
32. Alfreda DeLaney RN
33. Maryann
34. Clara Hall
35. Constance
36. Leonard
37. William
38. Yusef A. Hassan
39. Nathaniel Brooks
40. William
41. Antonia
42. William
43. Michael

44. John
45. Mr. Anthony J. Barber
46. Charles H. H. H.
47. Sheryl L. H. H.
48. Sheryl L. H. H.
49. \_\_\_\_\_
50. \_\_\_\_\_
51. \_\_\_\_\_
52. \_\_\_\_\_
53. \_\_\_\_\_
54. \_\_\_\_\_
55. \_\_\_\_\_



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Filed 08/01/2005

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## GRIVANCE COMPLAINT FORM FOR STEP I

\*\*

PLEASE CIRCLE CAUSE OF COMPLAINT:

Race Color Sex Religion National Origin Retaliation Age Disability  
 Other (specify) Information Clarification

DATE: February 17, 2005NAME: Felicia HendricksSSN: 420-98-2608CLASSIFICATION: Correctional Officer IINSTITUTION: Kilby Section/Shift: 2<sup>nd</sup>SUPERVISOR'S NAME/POSITION: Tchernavia Blackmon, COSI/ Kenneth Cash, COIIDATE OF OCCURRENCE CAUSING THE COMPLAINT: February 10, 2005

NATURE OF COMPLAINT: On 2-10-05 at approximately 10:05 p.m., in the parking lot at Kilby Prison, Officer Felicia Hendricks was in discussion in Officer Latoya Nelson's vehicle on some money that was lost or disappeared. At approximately 10:14 p.m., I, Officer Hendricks was approached by Officer Lilkenya Colbert and a civilian who was driving her (Colbert) car which had left Kilby Institution and returned. Officer Colbert exited her (Colbert) car and approached Officer Nelson's car and starting making threatening remarks toward Officer Hendricks, who had left Officer Nelson's car for her (Hendricks) car pursued by Officers Colbert, Nelson, and an unidentified female who was driving Officer Colbert's car. At approximately 10:15 p.m., Officer Hendricks felt/ threatened by the three individuals and took a small knife out of the driver door of Officer Hendricks' car to ward off the aggression of the three people mentioned above.

REMEDY SOUGHT: A thoroughly investigation of the events on 2-10-05, further information may be obtained from: Officers K. Penn, R. Pettaway, J. Craig, M. Anderson, M. Armstrong which will shed more light on this unusual occurrence that may exonerate Officer Hendricks from the alleged allegations. Based on Administrative Regulation # 205, bidding on shift institution and days off was elected for Kilby and Second Shift. Officer Hendricks wish to remain at Kilby based on being a single parent with two daughters and being established in the Montgomery area and having a trailer.

COPY OF STEP      AND \*\**Felicia Hendricks 2/17/05*

DECISION ATTACHED

EMPLOYEE SIGNATURE/DATE

DECISION AT STEP      \*

SIGNATURE/TITLE/DATE

\*\*ENTER APPROPRIATE STEP NUMBER AND ATTACH COPY OF PREVIOUS STEP IF  
 PROCEEDING TO HIGHER STEP

ANNEX B

AR206 - February 22, 2000

RECEIVED  
IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
ALABAMA

2005 OCT -5 P 4:19

FELICIA S. HENDRICKS  
PLANTIFF,

V.

CIVIL ACTION NO. 2:05-cv-714-F

WARDEN MCDONNELL, ET.AL.,  
DEFENDANTS

MOTION TO AMEND COMPLAINT FOR VIOLATION OF EQUAL PROTECTION  
OF THE LAW, VIOLATION OF CIVIL RIGHTS AND DUE PROCESS OF LAW.

Comes now Felicia S. Hendricks, the Plaintiff and she moves this honorable court to amend her above-style complaint to add the following arguments of law.

- 1) Plaintiff shows she was dismissed from her job in an arbitrary and capricious manner in violation of her civil rights under the civil rights act of 1964. Plaintiff brought her action under this claim pursuant to 42 U.S.C SECTION 1983.

Plaintiff will show that she was deprived of her rights as a female, to be treated the same as a male Correctional Officer in that at the Kilby Correctional Facility located Mt. Meigs, Alabama, both female and male officers have been involved in altercations with fellow correctional personnel without even the slightest reprimand.

Plaintiff shows in her amended complaint and in the original complaint, that male and female correctional officers are allowed to carry a pocket knife or box cutter type knives in the line of their duties.

Plaintiff shows under West Digest, Civil Rights, Key number 1004, that section 1983 is designed to DETER STATE ACTORS from using the badge of their authority to deprive individuals of their federally guaranteed rights, and to provide relief to victims if such deterrence fails. 42 U.S.C. 1983 Greffey V. State of Alabama Dept. of Corrections 996 F.SUPP. 1368.

Conduct on part of Government officials which results in disparate treatment towards members of particular race must be subjected to the most rigid scrutiny. Henderson V. Macon County, Alabama 319 F.SUPP. 430 Disparate Treatment is defined as; The practice, ESP. in employment, of Intentionally Dealing With Person Differently. Because of their Race, Sex, National origin, age, or disability, to succeed on a disparate treatment claim, the plaintiff must prove that the defendant (s) acted with discriminatory intent or motive.



Plaintiff shows this claim of her civil rights being violated is meritorious upon its face. At the very moment this document is drawn male. Correctional Officers have in their personal possession, a pocketknife or a box cutter type knife in the performance of their duties. These Knives are used to open incentive packages, cut clothes lies off the bunks of inmates who string them in violation of institutional rules, to cut open inmate writing boards mad from cardboard to search for contraband, to open Christmas and other packages coming into the institution to seek out contraband and other objects that may threaten the security of other inmates and correctional personal. The Civil Rights act is to be afforded a liberal Construction in order to carry out purpose of congress to eliminate in inconvenience, unfairness and humiliation of racial discrimination. Civil Rights Act of 1964 section 201 ET SEQ U.S. V. Johnson Lake Inc. 312 F. SUPP. 1376 For the States Reasons, Plaintiffs rights pursuant to the Civil Rights Act of 1964 were clearly violated in this cause and this court is to now order that her job be returned, and that all other relief sought by her be granted.

- 2) Plaintiff shows in her Amended complaint that she has been denied equal protection of the law in violation of her 14<sup>th</sup> Amendment Right under the United States Constitution, and violation of Article 1, section 6, of Alabama Constitution of 1901.

Plaintiff shows that as a female, she was treated different than the male officers at the Kilby Correctional facility located in Mt. Meigs, Alabama.

Plaintiff shows she was dismissed from her job for having in her possession (personal vehicle), a pocketknife. This pocketknife is not forbidden under admin. Reg #208 and does not require any special permission from the warden or his designee to possess.

Plaintiff shows at the very drawing of this document, male correctional officers have in their possession, A pocket knife, Plaintiff shows there has been open altercations between male officers at the institution which she was employed and these times male officers possessed pocket knives, further, no disciplinary action is or was taken against these officers by the Warden or Captain or any other shift supervisors.

For this same type conduct, Plaintiff was dismissed from her job.

The Equal Protection clause guarantee under the 14<sup>th</sup> Amendment Requires The State to give Similarly Situated Persons Equal Treatment

Plaintiff shows that the mere fact that male correctional officers are allowed to carry pocketknives based upon "All Men" usually do. Is no defense to claim of equal protection of a pocketknife? Const. Amend. 14, Article 1, Sec. 6 Ala. Const. 1901.



Under West Digest, Constitutional Law Key 224 (3) Employees have constitutional right to be free from unlawful sex discrimination and sexual harassment in public employment U.S.C.A Const. Amend 14. Cross V. State of Alabama Department of Mental Health and Mental Retardation 49 F.3d 1490, Rehearing 59 F.35. 1248

Plaintiff shows that the actions of the defendants clearly create a sex-based hostile work environment where the defendants acted with discrimination purpose or intent. U.S.C.A. Const. Amend. 14; 42 U.S.C.A. sec 1983; Taylor V. Alabama 95 F. SUPP. 2d. 1297

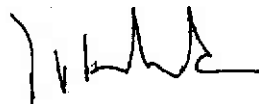
For good cause shown, Plaintiff, as a female, was clearly removed from her job in violation of equal protection of the law and as a female was removed where male officers are allowed to conduct themselves in the very same manner without threat of disciplinary action or removal from their job.

Wherefore, premises considered, plaintiff moves this honorable court for permission to amend her complaint, and prays this honorable court to accept the same.

Respectfully Submitted

On this the 4<sup>th</sup> day of October 2005

  
Plaintiff





BOB RILEY  
GOVERNOR

# State of Alabama Alabama Department of Corrections

Research and Planning  
P. O. Box 301501  
Montgomery, AL 36130-1501



DONAL CAMPBELL  
COMMISSIONER

May 11, 2004

ADMINISTRATIVE REGULATION  
NUMBER 207

OPR: PERSONNEL

## STANDARDS OF CONDUCT

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for implementing and ensuring Standards of Conduct to govern employee behavior and work performance.

### II. POLICY

It is the policy of the ADOC that all employees maintain the highest level of behavior and efficiency, reflect the best image of public service, and uphold with integrity the public confidence entrusted in them.

### III. DEFINITION(S) AND ACRONYM(S)

- A. Employee: Any person employed by the ADOC as a full-time, part-time, temporary or contract employee.
- B. Family Member: An employee's spouse, child, grandchild, parent, grandparent, sibling, mother-in-law, or father-in-law.
- C. Inmate: Any person committed to the custody of the ADOC to serve a state prison sentence.
- D. Sexual Misconduct: Any behavior or act of a sexual nature directed toward an employee, volunteer, visitor or contract employee. This includes but is not limited to:
  - 1. Acts or attempts to commit such acts as sexual assault, sexual abuse, sexual harassment, sexual contact, actions designated for the gratification of any party, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy.

1 of 5

AR207 - May 11, 2004



2. Conversations or correspondence, which suggests a romantic or sexual relationship between any party mentioned above.

IV. RESPONSIBILITIES

- A. The Commissioner shall ensure that all employees are fairly and equally held accountable for compliance with ADOC Standards of Conduct.
- B. The Personnel Division Director shall ensure that the Standards of Conduct are in accordance with state laws and regulations.
- C. Wardens/Division Directors shall ensure that:
  1. All new ADOC employees are thoroughly orientated as to the content of this regulation, and that all employees under his/her supervision review this regulation at least once annually.
  2. A copy of this regulation is posted on employee bulletin boards.
- D. It is the responsibility of all ADOC employees to adhere to the Standards of Conduct. Failure to do so shall result in disciplinary procedures as outlined under AR 208, Employee Discipline.

V. PROCEDURES

- A. All ADOC employees shall adhere to the following standards:
  1. Report for work on time and in a condition to perform their job properly.
  2. Render full, efficient, and industrious service.
  3. Respond promptly to directions and instructions.
  4. Exercise courtesy and tact.
  5. Maintain a clean and neat appearance.
  6. Protect and conserve funds, property, equipment and materials.
  7. Observe all laws, rules and regulations.
  8. Take an active part in the Department of Corrections affairs.
  9. Uphold, with integrity, the public's trust involved in their positions.
  10. Prevent any abuse of authority attached to the use of a badge that does not relate to a correctional officer performing and executing his/her duties in accordance with Title 14, Code of Alabama 1975, as amended.



11. Immediately inform and provide a written report to the Warden/Division Director regarding any incident of arrest or conviction of a felony or misdemeanor (except minor traffic violations) and any requirement to appear as a defendant in a criminal court.
  12. Obtain prior approval from the Warden/Division Director before becoming financially involved with an inmate.
  13. Promptly report any incidents of sexual misconduct.
  14. Report all instances when the ability to supervise a subordinate employee is affected by a personal and/or non-working relationship with that employee.
  15. Notify the Warden/Division Director immediately and follow the inmate visiting regulations when a family member is incarcerated in the ADOC.
- B. Each employee's conduct shall, at all times, be consistent with the maintenance of proper security and welfare of the institution and of the inmates under his/her supervision.
- C. Employees shall not:
1. Report for duty or exercise supervision or control over inmates while under the influence of an intoxicant and/or illegal drug.
  2. Report for duty or exercise supervision or control over inmates while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or depressant. Exceptions may be made only for medications that have been prescribed by and are taken under a doctor's care, and only if such medications do not impair the employee in performing his/her required job duties.
  3. Use profane or abusive language in supervising inmates.
  4. Use profane or abusive language in supervising and/or working with other employees.
  5. Abuse inmates in any manner.
  6. Trade, barter, or accept a gift from or give a gift to an inmate, an inmate's family, or any other person on behalf of that inmate, or those on parole.
  7. Correspond or fraternize socially with an inmate or an inmate's family, unless approved by the Warden/Director of the employee and of the inmate.

8. Take any article or property whatsoever from any institution or from state property not specifically authorized by regulation.
  9. Introduce into any institution or bring upon an ADOC state property any article or property that is not authorized by written directive nor has the approval of the Warden/Division Director.
  10. Recommend or furnish any advice concerning the selection of a specific lawyer for an inmate.
  11. Carry any weapon, tear gas, ammunition, or blackjack into the institution or on the grounds of any ADOC state property, except as authorized by the Warden/Division Director.
  12. Have keys to any area of an ADOC facility without authorization.
  13. Abuse sick leave. (Refer to AR 220, Departmental Leave)
  14. Deliberately or carelessly misuse state equipment or supplies resulting in loss or damage.
  15. Show partiality toward or become emotionally involved with an Alabama State inmate or parolees.
  16. Disregard ADOC procedures concerning the proper conduct and notification when family members are incarcerated in the Alabama Prison System.
  17. Apply physical force to an inmate, except and only to the degree that is reasonably necessary in self-defense, to prevent an escape, to prevent an injury to a person or the destruction of property, to quell a disturbance, or to restrain an inmate who exercises physical resistance to a lawful command. (Refer to AR 327, Use of Force, in reference to physical force)
  18. Use ADOC owned property or any state-owned property for his/her personal use without the approval of the Commissioner.
  19. Provide any information to any source including newspapers, radio, television, or any other source or agency except as directed by ADOC regulations. (Refer to AR 005, Public and Community Relations)
- D. Employees shall make a complete written report (Incident Report) of all unusual incidents that occur during a tour of duty.
- E. Employees shall submit to a personal search whenever required by the proper authority. This search may also be extended to the employee's personal property and vehicle located on ADOC owned or state-owned property.

- F. Employees shall obtain approval for any absence from work. An unauthorized absence may subject the employee to disciplinary action.
- G. Any employee, while on duty, that is found using or under the influence of intoxicants or illegal drugs shall be subject to disciplinary action.
- H. Security employees, except by the written approval of the ADOC Commissioner, shall be prohibited from engaging in law enforcement or investigative work.
- I. Employees shall be subject to disciplinary action for falsifying documents in connection with the application process, their job duties, or a departmental requirement.
- J. A security employee shall be subject to dismissal action for the conviction of an offense that disqualifies him/her from employment as a law enforcement officer under the Alabama Peace Officers Standards and Training Commission Rules and Regulations (Title 36, Code of Alabama, 1975).

**VI. DISPOSITION**

There are no forms used in this regulation, therefore, no disposition instructions are needed.

**VII. FORMS**

There are no forms prescribed in this regulation.

**VIII. SUPERCEDES**

This regulation supersedes Administrative Regulation 207, dated November 2, 1994, as amended.

**IX. PERFORMANCE**

This administrative regulation updates departmental policies and procedures pertaining to the Standards of Conduct expected of ADOC employees and is based on, but not limited to, the interpretation and application of the regulations and laws, as amended, below:

- A. ADOC Administrative Regulations (AR 208, AR 220, AR 327, AR 005 -- Titles are stated within the body of this regulation)
- B. Rules of the Alabama State Personnel Board
- C. Title 14, Code of Alabama, 1975
- D. Title 36, Code of Alabama, 1975

  
Donal Campbell, Commissioner





STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

Research, Monitoring, & Evaluation  
Post Office Box 301501  
Montgomery, Alabama 36130-1501

Don Siegelman  
GOVERNOR

Michael W. Haley  
COMMISSIONER

July 26, 2000

ADMINISTRATIVE REGULATION  
NUMBER 208

OPR: PERSONNEL

**POSITIVE (PROGRESSIVE) EMPLOYEE DISCIPLINE**

**I. POLICY**

- A. All elements of the Department of Corrections shall implement this regulation for the administration of a positive, progressive employee discipline program in this department.
- B. Employee disciplinary action will occur within the principles of progressive discipline, which involves steps of discipline to be used to correct negative behavior or poor job performance.
- C. Offenses will be identified according to Groups with Group I denoting minor offenses, Group II denoting more severe offenses not resulting in an issue of significant consequences, Group III and Group IV denoting serious offenses resulting in significant consequences and Group IV which results in dismissal on the first offense.

**II. GENERAL**

- A. Progressive discipline is a form of positive discipline. It is a way for the supervisor to bring awareness to employees of their weaknesses in a job-related area. This allows an employee the opportunity to change the undesired behavior. The objective, then, of progressive discipline is a change in an employee's behavior toward the desired result.
- B. The word discipline is derived from a Latin word meaning "to teach". Therefore, the structure of DOC progressive discipline combines this teaching principle with certain basic steps. The basic steps involved in progressive discipline include:
  - 1. Inform employees of expectations. Supervisors must take reasonable actions to ensure that employees are informed of their responsibilities.
  - 2. When an employee is not meeting expectations/standards the supervisor at his/her discretion, in a positive, non-threatening manner, may inform the employee of



shortcomings, remind employee of expectations, and how to meet them or may by-pass this step and apply a group sanction.

1. If the employee's behavior/work performance does not change/improve, the supervisor may decide that informal Supervisory Instruction (SI) is required, see Annex B. The supervisor should at that time inform the employee that continued substandard performance/behavior will result in the use of formal corrective action.
4. If the substandard behavior/work performance continues, the supervisor must resort to formal discipline, beginning with a Warning, see Annex B. If an employee receives a Warning during an evaluation period, it must be noted on the employee's annual evaluation in the Work Habits Section and included in the Disciplinary Action Section. Warnings are not included in the disciplinary score on evaluations. Documentation should include the disciplinary step taken, the date of the action, and the reason/nature of unwanted behavior or performance.
5. If the substandard performance continues to persist, the supervisor must move to the next appropriate level of progressive discipline. This is usually a Written Reprimand, see Annex C. Employees who receive a Written Reprimand during an evaluation period will have their annual evaluation score reduced by 7 points. A copy of the Written Reprimand must be forwarded to DOC Personnel along with the Annual Evaluation Form. A Warden/Division Head, or higher supervisor, in an employee's chain of supervision has the authority to impose a Written Reprimand. Employees should be advised that continued substandard performance will result in more severe disciplinary action.
6. If the substandard performance continues, the supervisor must resort to suspension from duty without pay, see Annex E. Employees who receive a suspension during an evaluation period will have their annual evaluation score reduced by 17 points. A copy of the suspension letter should be forwarded to DOC Personnel along with the Annual Evaluation Form. Only the Commissioner through his original signature as the appointing authority is authorized to impose a suspension.
7. Dismissal is the last step in progressive discipline. This step should be taken only when an employee has failed to correct performance/behavior using the previous disciplinary steps or when an employee violates a rule of such a nature as to require, dismissal, i.e. positive drug screen. It should be used when an employee either cannot or will not perform to meet job responsibilities. Recommendations for dismissal should be sent to DOC Personnel for review and will be forwarded to the Commissioner's office, see Annex I. Only the Commissioner through his original signature as the appointing authority is authorized to impose a dismissal.
8. Supervisors should carefully review this regulation and become familiar with its contents in order to properly implement disciplinary action in a positive encouraging manner. Supervisory communication and discretion is essential in successfully executing this regulation. Employees should be educated regarding the steps involved in implementing a positive discipline program.

C. Supervisors shall use the discipline system hand-in-hand with the performance appraisal system. These are the two most important management tools a supervisor possesses. Some supervisors try to use the appraisal system to discipline an employee. Their thought is that if an employee has an undesirable behavior, the best way to handle the situation is to threaten or actually give an employee a lower score on the performance appraisal. Appraisal is not the discipline tool. Performance appraisal is simply a mirror that should reflect what has occurred during the rating period. If discipline has occurred, behavior/performance warranting the corrective action must be documented on the appraisal form, and in some instances must be attached to the form. This would, obviously, lower the appraisal score, but only as a reflection of what has occurred during the preceding year. Positive discipline is the corrective tool to use when infractions occur in work habits or when a weakness exists in the performance of work responsibilities. A maximum of 17 points can be deducted for disciplinary actions per evaluation period.

D. Guidelines for Corrective Actions:

1. Set the example.
2. Provide training when appropriate.
3. Implement regulations consistently and objectively.
4. Use progressive discipline when behavior/performance violates a rule, regulation, procedure, standard, etc.
5. Eliminate the appearance of favoritism by fairly and equitably implementing rules and regulations.
6. Misconduct should be thoroughly evaluated before corrective action is taken.
7. Document employee's performance/behavior whether positive or negative in nature.

### III. PROCEDURES

A. Offenses. Supervisors may use discretion in executing all disciplinary action. The severity of the offense and/or the number of offenses should determine the level/severity of disciplinary action in a stated period of time. The employee's work history, length of service and any disciplinary action within the past twelve months should be considered in determining the penalty. It is important for a supervisor to have adequate justification when a decision is made to offer a lesser or a more severe penalty. Offenses are grouped as follows.

1. Group I
  - a. Offenses of a minor nature that normally result in progressive disciplinary action.



b. Corrective Action for Group I Offenses:

- (1) Supervisory Instruction (SI) (Discretion)
- (2) Warning (Will reflect on the employee's Performance Appraisal without a point penalty)
  - (a) Violations of safety rules which do not endanger life or property.
  - (b) Abuse or misuse of equipment, not causing damages.
  - (c) Conviction for a minor traffic offense while driving a State or public use vehicle.
  - (d) Unauthorized use of telephones, bulletin boards, or other State property.
  - (e) Participation in unauthorized activity of a minor nature at the work place and/or improper use of duty time.
  - (f) Deviation from policies, procedures, regulations, etc.
  - (g) Use of abusive or threatening language to other employees, inmates or the public.
  - (h) Failure to follow proper notification procedures when calling in, i.e., tardy, absences.
  - (i) Tardiness and unexcused absences. (See AR #220)

Repeated abuse of any Group I offense may result in Group II corrective action. Group I offenses shall remain active for one year from the date of corrective action. An employee's work history, annual evaluations and any disciplinary action within the last twelve months should be evaluated in determining the penalty.

2. Group II

- a. Offenses that are more severe than Group I and not resulting in an issue of significant consequences.
- b. Corrective Action for Group II Offenses:
  - (1) Warning (Will reflect on the employee's Performance Appraisal without a point penalty)
  - (2) Written Reprimand (7 point deduction on employee's Performance Appraisal)
    - (a) Failure to perform job properly, not resulting in actual consequences.

- (b) Failure to follow a supervisor's instructions; noncompliance with policies and procedures.
- (c) Leaving assigned post and/or work station before the end of the shift/work day without permission from proper authority or proper relief and no serious consequences occur.
- (d) Disagreeable behavior, including a lack of cooperation.
- (e) Failure to immediately report to the proper authority (supervisor) the violation of any rule, practice, or policy that results in minor consequences.
- (f) Violation of security regulations/procedures when the potential consequences are serious, but consequences do not actually occur.
- (g) Inattention to the job.
- (h) Taking into an institution any article, item, or property which is not specifically authorized by regulation, or without the approval of the Warden.
- (i) Serious violations of other rules, procedures, laws, or reasonable conduct expectations.
- (j) Tardiness and unexcused absences. (See AR # 220)
- (k) Non-compliance with policies, procedures, regulations, etc.

Repeated abuse of any Group II Offense may result in Group III corrective action. Group II offenses shall remain active for one year from the date of corrective action. An employee's work history, annual evaluations and any disciplinary action within the last twelve months should be evaluated in determining the penalty.

3. Group III

- a. Offenses that are serious and/or result in serious consequences.
- b. Corrective Action for Group III Offenses:
  - (1) Written Reprimand (7 point deduction on employee's Performance Appraisal)
  - (2) Suspension (5 to 15 days – 17 point deduction on employee's Performance Appraisal)
  - (3) Demotion
  - (4) Dismissal

- (a) Fighting, assault, physical violence or disruptive behavior.
- (b) Theft or unauthorized possession of DOC or another individual's property.
- (c) Leaving assigned post and/or work station before the end of the shift/workday without permission from proper authority or proper relief, resulting in severe consequences.
- (d) Tampering with a drug screen sample, or any similar action that may invalidate or falsify the test results.
- (e) Sleeping or the appearance of sleeping on duty.
- (f) Abuse or misuse of authority, including but not limited to departmental property and/or DOC identification cards/items.
- (g) Harassment as defined in Administrative Regulation # 206.
- (h) Discrimination in employment based upon race, religion, color, age, sex, national origin or disability. (See Administrative Regulation #206)
- (i) Failure to immediately inform and provide a written report to the Commissioner, through COS II/Division Head or above, concerning any incident of arrest for any misdemeanor, DUI, or felony, except minor traffic violations, or when required to appear as a defendant in any criminal court.
- (j) Abusive or excessive physical force in dealing with inmates.
- (k) Refusal of a supervisor's instruction to remain on duty during a shortage of personnel situation and/or an emergency situation.
- (l) Borrowing/receiving money, or other items from, or giving money/items to inmates or an inmate's family. Giving preferential treatment to an inmate(s), corresponding with an inmate, or an inmate's family, in any capacity that is not officially required and in the line of duty.
- (m) Failure to report, or violation of safety/security rules that result in injury to persons, or significant damage to property.
- (n) Conduct that is disgraceful, on or off the job, that does adversely affect an employee's effectiveness on the job.
- (o) Refusal to submit to screening or under the influence of alcohol or other substances on the job which interferes with the discharge of assigned duties.



- (p) Failure to meet and/or maintain APOSTC standards, when applicable.
- (q) Gross negligence that allows an inmate(s) to escape.
- (r) Refusal to submit to personal search, or search of personal property, or vehicle on institutional property, when required by proper authority.
- (s) Possession or use of firearms, weapons, explosives, or other dangerous items, except on duty and in designated areas and as authorized in regulations and/or procedures.
- (t) Lack of cooperation or refusal to give information or verbal/written statements in connection with employment, an investigation, or injury. Giving false information, altering an investigative or incident report, and/or intentionally omitting facts pertinent to the incident.
- (u) Tardiness and unexcused absences. (See Administrative Regulation #220)
- (v) Serious violations of other rules, procedures, laws, or reasonable conduct expectations.

Supervisors should use discretion in recommending any actions noted in Group III and suspension/demotion/dismissal should be recommended only in cases where previous disciplinary action has failed to correct behavior or when the infraction is so serious as to warrant suspension, demotion or dismissal for the first offense. Progressive discipline should be followed in applying disciplinary action. Group III offenses shall remain active for one year from the date of the corrective action. An employee's work history, annual evaluations and disciplinary actions within the last twelve months should be thoroughly reviewed before recommendations are submitted.

#### 4. Group IV

- a. Offenses that will result in Dismissal on the first offense.
  - (1) Possession of drugs or a positive drug screen.
  - (2) Deliberate breach of security resulting in escape, riot, etc.
  - (3) Conviction for a felony (Title 36, Section 36-21-46(a), Code of Alabama, 1975) that would disqualify an individual from employment in the classification in which employed or a conviction of a misdemeanor crime of domestic violence.

#### 5. Other Authorized Personnel Action(s)

a. Job Abandonment

State Personnel Board Rule 670-x-19-.01(k) – consists of three (3) days of unexcused, unreported absence.

Procedure: An employee who abandons his/her job will not be allowed to return to work. The Warden/Division Head will send a letter, similar to Annex G, by certified mail (return receipt requested) to the employee. If no reply is received from the employee within seven (7) calendar days, the Warden/Division Head will notify the Department Personnel Director, who will prepare a Letter of Dismissal and forward it through channels for approval/signature by the Commissioner. The Warden/Division Head will forward substantiating documents to the DOC Personnel Director as soon as possible but no later than three (3) work days.

If a reply is received within seven (7) calendar days, the Warden/Division Head shall consider the information submitted and impose/recommend appropriate disciplinary action.

b. Demotions

Demotions may occur with the approval of the appointing authority and State Personnel under the following circumstances. Wardens/Division Heads may recommend an employee be demoted after a thorough review of the employee's work history, annual evaluations and disciplinary actions.

- (1) Employees may voluntarily request a demotion to a lower classification.
- (2) Involuntary demotions may occur during a departmental layoff.
- (3) The appointing authority may direct a demotion to a job classification more comparable to the employee's level of performance. In cases where demotions are directed, the appointing authority may use this action in lieu of dismissal or when its deemed necessary for the good of the Department.

c. Action initiated

- (1) A demotion action is initiated by a Warden/Division Head by preparing a written notice of the intent to recommend demotion (see sample letter – Annex H) to the employee. Concurrently, the Warden/Division Head will fax a copy of the letter to the Department's Personnel Director, who will schedule a hearing officer, and notify the Warden/Division Head of the time, date, and location by E-mail. The Warden/Division Head will inform the employee of this information by copy of E-mail.

(2) The written notice must state the charges in sufficient detail to permit the employee to prepare for the hearing.

- (a) A person designated under procedures approved by the Commissioner will conduct a hearing to receive information in support of and against the reasons for the demotion. This person will evaluate the information and make a recommendation to the Commissioner.
- (b) Employees may choose to be represented at their own expense, and may call witnesses who have direct knowledge of the actions/incidents upon which the charges are based. Employees may also present evidence during the hearing.
- (c) The employee may elect to waive a hearing (Annex I) and accept the action recommended by the Warden/Division Head, subject to approval by the Commissioner.
- (d) The Commissioner will consider the recommendation of the Warden/Division Head, information presented during the hearing and the findings of the hearing officer, as provided in the hearing officer's record of hearing, and approve the recommendation, approve lesser discipline, specify that no action is to be taken, or return the recommendation to the Warden/Division Head for another hearing. If the demotion stands, a copy will be sent to the State Personnel Department for final approval.

B. Corrective Action History. Each Warden/Division Head will ensure that a Corrective Action History Record (Annex A) is maintained in the file of all employees who have received corrective action. This form is retained as one of the first items seen when opening the file. Supervisory personnel will review the Corrective Action History Record before deciding on the appropriate disciplinary action for any employee. Supervisors must remain alert to the advantages of progressive discipline and any developing trends (positive or negative) in the employee's behavior. Use the minimum action necessary to correct behavior and prevent recurrence of the infraction, within the published guidelines/schedules in this and other regulations.

C. Supervisory Instruction is not disciplinary action. The immediate supervisor must record details regarding the incident/occurrence on DOC Form N008 (Annex B) and distribute as indicated on the form. This action will not be noted in the disciplinary action section on the employee's annual evaluation, nor under the work habits section.

D. Warning

1. The supervisor will conduct the warning in a private setting and without embarrassment to the employee. Another supervisor may attend as a witness, but normally a non-supervisory employee, or other person, should not attend.
2. The supervisor will inform the employee of the specific offense and give the employee an opportunity to explain or respond.



3. The supervisor will record the basic facts of the discussion, reason for the Warning, and corrective action on DOC Form N008 (Annex B). This information will also be noted in the disciplinary action section on the employee's annual evaluation and under the work habits section.
4. Supervisors must inform the employees that they are imposing the first step of progressive discipline.

E. Written Reprimand

1. The Warden/Division Head will conduct the Reprimand in a private setting and without embarrassment to the employee. Another supervisor may attend as a witness, but normally a non-supervisory employee, or other person, should not attend.
2. The Warden/Division Head will inform the employee of the specific offense and give the employee an opportunity to explain or respond.
3. The Warden/Division Head will complete DOC Form N009 (Annex C to AR 208) to impose a Written Reprimand.
4. The Warden/Division Head will inform the employee that after receipt of the Written Reprimand the employee has five calendar days to submit a written reply/explanation.
5. After considering the employee's reply/explanation, the Warden/Division Head decides if the Written Reprimand will stand. The Warden/Division Head will inform the employee by indicating approval or denial on the employee's rebuttal statement. If the employee fails to submit a Written Rebuttal, within the allotted timeframe, the Written Reprimand will stand. The Warden/Division Head will forward a copy of all correspondence to the Department Personnel Director. If action is implemented, a copy of the Written Reprimand must accompany the employee's annual evaluation with a disciplinary score of 7 points deducted.

F. Suspension

1. Suspension is used only after warnings and reprimands have not been effective or when the gravity of the offense requires more stringent corrective action. A suspension puts an employee in an involuntary non-duty and non-pay status, and results in lost production to the Department, and a financial loss to the employee. During suspensions, an employee does not accrue annual leave, sick leave, longevity for retirement, law enforcement bonus, or service pins.
2. The maximum days an employee can be suspended is fifteen (15) days per infraction.
3. Prior to a suspension, a person designated under procedures approved by the Commissioner will conduct a hearing to receive information in support of and against the reasons for the suspension. The hearing shall be tape recorded. The

Warden/Division Head will retain the tape for two years for future reference. The hearing officer shall, within five work days, forward a record of hearing, similar to the example in Annex D, to the Department's Personnel Director, who will forward it to the Commissioner through the appropriate Deputy Commissioner.

4. Action initiated.

- a. A suspension action is initiated by a Warden/Division Head by preparing a written notice of the intent to recommend suspension (see sample letter – Annex E) to the employee. Concurrently, the Warden/Division Head will fax a copy of the letter to the Department Personnel Director, who will schedule a hearing officer, and notify the Warden/Division Head of the time, date, and location by E-mail. The Warden/Division Head will inform the employee of this information by copy of the E-mail.
- b. The written notice must state the charges in sufficient detail to permit the employee to prepare for the hearing.
  - (1) A person designated under procedures approved by the Commissioner will conduct a hearing to receive information in support of and against the reasons for the suspension. This person will evaluate the information and make a recommendation to the Commissioner.
  - (2) Employees may choose to be represented at their own expense, and may call witnesses who have direct knowledge of the actions/incidents upon which the charges are based. Employees may also present evidence during the hearing.
  - (3) The employee may elect to waive a hearing (Annex F) and accept the action recommended by the Warden/Division Head, subject to approval by the Commissioner. A suspension imposed through waiver, or otherwise, includes a stipulation that an employee will not be recommended for promotion until completion of one year of creditable service commencing after the period of suspension.
  - (4) The Commissioner will consider the recommendation of the Warden/Division Head, information presented during the hearing and the findings of the hearing officer, as provided in the hearing officer's record of hearing, and approve the recommendation, approve lesser discipline, specify that no action is to be taken, or return the recommendation to the Warden/Division Head for another hearing. If the suspension stands, a copy of the suspension letter must accompany the employee's annual evaluation with a disciplinary score of 17 points deducted.

G. Dismissal

1. In recent years, the U.S. Supreme Court has held that where the State provides full post-termination due process, a pre-termination hearing need not be elaborate. Adequate post-termination due process through a full, adversarial, post-termination evidentiary hearing is provided by the State Personnel Board.

2. The following procedures shall be followed with regard to the dismissal of an employee and the appropriate departmental official shall give the employee an advance written notice of his intent to recommend dismissal see Annex J. The written notice must:
  - a. State the action proposed.
  - b. State the charges in sufficient detail to enable employee to prepare a suitable response to be presented at the pre-dismissal conference.
  - c. Specify which offenses were used in determining corrective action; also, specify which standards, policies, regulations or criteria were violated.
  - d. State that a pre-dismissal conference will be held at least seven (7) days after employee's receipt of notice of intent to recommend dismissal. The purpose of this conference is to allow the employee to respond to the charges, explaining his/her side of alleged charges. Indicate that a reasonable extension may be granted if requested and justified by the employee.
  - e. State that if dismissal is indicated, after the pre-dismissal conference, this recommendation will be made to the Commissioner.
  - f. State that the employee may resign voluntarily in lieu of dismissal at any time prior to the pre-dismissal conference or during the conference, see Annex K.
3. At least seven (7) work days after delivery of notice of intent to recommend dismissal, the recommending official shall meet with the employee to hear the response/explanation. At the conclusion of the conference, a Pre-Dismisssal Conference Form Memorandum (see Annex L) must be completed and signed by the employee and the person conducting the conference.
4. If, after the conference, the departmental official decides to continue the recommendation to dismiss, the official will forward the Notice of Intent to Recommend Dismissal and all supporting documentation, including Pre-Dismisssal Conference Form Letter to the Department's Personnel Director. Documentation should include, but is not limited to, copies of SOPs and other directives violated (other than Administrative Regulations) statements, incident reports, and any other document(s) needed to support the charges. It should also include copies of all previous corrective actions.
5. If the departmental official determines that neither dismissal, suspension, nor demotion is indicated, the official may drop the action entirely or impose lesser discipline. If dropped, all correspondence referring to the action will be removed from employee's departmental and institutional personnel records file.
6. Where dismissal is recommended, the Commissioner may approve the dismissal, specify that no action is to be taken, or approve lesser discipline such as a



suspension in which case a hearing would be required.

7. Employees may, at their own expense, have representation at the pre-dismissal conference, but only as an observer, not as a participant.
8. The pre-dismissal conference outlined above is for the purpose of allowing employees to present information to the appropriate departmental official regarding disciplinary action under consideration; i.e., a chance for employees to "tell their side of the story." The discussion is informal. The employee is allowed to present written statements of witnesses or any other information with regard to the charges. With exception of representation, as specified above, attendance and participation by persons other than recommending officials and employee is at the discretion of the recommending official.
9. Nothing in this regulation is intended to abrogate authority granted the Commissioner under Section 36-26-27, Code of Alabama, 1975, and 670-X-18-.02, Rules of the State Personnel Board.
10. Under the provisions of Rules of the State Personnel Board 670-X-18-.02, a permanent employee who has been dismissed may, within ten days after receiving written notice, appeal the dismissal by filing a written answer to the charges with the State Personnel Director, 64 North Union Street, Montgomery, AL 36130.

- H. Probationary and Annual Performance Appraisals. (See Guidelines for Performance Appraisal, Annex M, Pages 1-16)

#### IV. DISSEMINATION OF CONTENTS

Wardens, Directors, and Department Division Heads are responsible for the dissemination of the contents of this regulation to all employees. Post a copy on bulletin boards for access by all employees.

#### V. REFERENCES

- A. Rules of the State Personnel Board, State of Alabama.
- B. Department of Corrections' Administrative Regulation 207, Standards of Conduct, Department of Corrections Employees.
- C. Department of Corrections' Administrative Regulation 213, Reporting and Resolution Procedures for Harassment, Sexual Harassment, Complaints, and Grievances.
- D. Department of Corrections' Administrative Regulation 227, Controlled Substances Testing for Employees of the Alabama Department of Corrections.

## VI. SUPERSESSION

This regulation supersedes Administrative Regulation 208, dated September 1, 1998, and is effective July 26, 2000.



Michael W. Haley, Commissioner

## ANNEXES

ANNEX A	Corrective Action History Record
ANNEX B	Memo for the Record – WARNING/SUPERVISORY INSTRUCTION DOC Form N008
ANNEX C	DOC Written Reprimand – DOC Form N009
ANNEX D	Sample Record of Administrative Hearing
ANNEX E	Sample Notice of Pre-Suspension Hearing
ANNEX F	Sample Format for Waiving Due Process Disciplinary Hearing
ANNEX G	Sample Job Abandonment Letter
ANNEX H	Sample Notice of Intent to Recommend Demotion
ANNEX I	Sample Format for Waiving Demotion Hearing
ANNEX J	Sample Notice of Pre-Dismissal Conference
ANNEX K	Sample Format for Resignation from Employment
ANNEX L	Sample Pre-Dismissal Conference Memorandum
ANNEX M	Guidelines for Performance Appraisal

## SUMMARY OF CHANGES

Changes the number of days employees may be suspended during a calendar year, changes the duration of offenses, deletes repetition in offenses listed in Groups I, II, and III, and adds Group IV.

*State of Alabama*  
**Alabama Department of Corrections**

Kilby Correctional Facility  
P.O.Box 150  
Mt. Meigs, AL 36057

TERRANCE MCDONNELL  
WARDEN III

334-215-6603  
Fax-215-6606

February 18, 2005

MEMORANDUM:

FROM:

*Terrance McDonnell*  
TERRANCE MCDONNELL, WARDEN

TO:

CO I FELICIA HENDRICKS

SUBJECT:

NOTICE OF PRE-DISMISSAL CONFERENCE

It was reported to me that on February 10, 2005, at approximately 10:06 PM Lt. Tchernavia Blackmon and Sgt. Kenneth Cash observed a disturbance in the Kilby parking lot involving you, CO I Latoya Nelson, and CO I Lilkenya Colbert. Voices were heard screaming and cursing while another officer was attempting to restrain you.

An investigation was conducted by Mr. Demus, I & I Investigator, which revealed the following:

You, CO I Hendricks, did admit to Mr. Demus that you did pull a knife on CO I Colbert, in the Kilby parking lot. You turned the knife into Mr. Demus on Monday, February 14, 2005, stating it was the knife you pulled on CO I Colbert on the night of 2-10-05. Also, you admitted to Investigator Demus that you bullied CO Nelson by brushing up against her with your chest while pushing her backwards (with your chest). Another officer had to restrain you from attacking/going after CO Colbert while you were struggling to get to CO Colbert. There were numerous witnesses to this incident in the parking lot regarding your involvement in pulling the knife and/or physical and verbal confrontation on CO Is Colbert and Latoya Nelson.

Your actions are in direct violation of Administrative Regulation 207: Standards of Conduct:

II. Policy: It is the policy of the ADOC that all employees maintain the highest level of behavior and efficiency, reflect the best image of public service, and uphold with integrity the public confidence entrusted in them.

V. A. 7. Observe all laws, rules and regulations.

9. Uphold, with integrity, the public's trust involved in their positions.

B. Each employee's conduct shall, at all times, be consistent with the maintenance of proper security and welfare of the institution ...





C. Employees shall not:

11. Carry any weapon...on the grounds of any ADOC state property, except as authorized by the Warden/Division Director.

This type behavior can not be tolerated. It creates a tremendous risk for the life and safety of other employees at this institution and to the orderly operations of Kilby. Employees behaving in this manner can not work together to provide for a safe and secure work environment. Due to the extreme seriousness of your infractions, the penalties for the above violations are reflected in AR 208: III.A.3.a.b. and warrants (4)Dismissal.

- (a) Fighting, assault, physical violence or disruptive behavior.
- (n) Conduct that is disgraceful, on or off the job, that does adversely affect an employee's effectiveness on the job.
- (s) Possession or use of ...weapons... or other dangerous items, except on duty and in designated areas and as authorized in regulations and/or procedures.
- (v) Serious violations of other rules, procedures, laws, or reasonable conduct expectations.

A review of your file does not indicate any active disciplinary action.

In accordance with AR 208, I have scheduled a pre-dismissal conference in my office on Wednesday, March 2, 2005, at 10:00 AM. This dismissal conference is for the purpose of allowing you to present information to me regarding the action under consideration; i.e., a chance for you to "tell your side of the story". Our conference shall be informal. You may present written statements of witnesses or any other information regarding these charges. You may, at your own expense, have representation present at this conference, but only as an observer, not a participant.

You may voluntarily resign in lieu of dismissal. However, it is highly probable that you will not be recommended for re-employment with the Department of Corrections.

cc: file

*James D. Lee* 2-18-05 9:13A  
Witness      Date      TIME

*Alvin Hamilton* 2/18/05  
Received      Date

*State of Alabama*  
**Alabama Department of Corrections**

Kilby Correctional Facility

P.O.Box 150

Mt. Meigs, AL 36057

TERRANCE MCDONNELL  
WARDEN III

334-215-6603

Fax-215-6606

March 2, 2005

**MEMORANDUM:**

*Terrance McDonnell*  
**FROM: TERRANCE MCDONNELL, WARDEN**

**TO: COMMISSIONER DONAL CAMPBELL**

**THRU: DORA JACKSON, ADOC PER. DIRECTOR**

**SUBJECT: PRE-DISMISSAL CONFERENCE  
CO I FELECIA HENDRICKS**

The Pre-Dismissal Conference was held in my office today. Attached is the required summary of this meeting.

CO Hendricks did not present any new information at the hearing to change my decision to recommend her for dismissal. This incident of 2-10-05 involving Ms. Hendricks pulling a knife on another employee in Kilby's Parking Lot was investigated by I & I, Inv. Errick Demus. Tape-recorded statements taken by Mr. Demus from the witnesses confirmed that CO Hendricks did pull a knife on another officer and bumped the other female in the chest pushing her backwards. If the other employee had pressed charges against CO Hendricks, she would be facing a felony. If the other officers witnessing this incident had not intervened this problem would have escalated resulting in serious injuries.

It is still my recommendation that CO Hendricks be dismissed from the ADOC.



KILBY CORRECTIONAL FACILITY  
PRE-DISMISSAL CONFERENCE MEMORANDUM

TO: DONAL CAMPBELL, COMMISSIONER  
FROM: TERRANCE MCDONNELL, WARDEN  
SUBJECT: CO I FELICIA HENDRICKS

On 2-18-05 the attached Notice of Intent to Recommend Dismissal was served on CO I Felicia Hendricks. On 3-2-05 at 10:08 AM, CO I Hendricks and I met in my office at Kilby. (Copy of Notice of Intent to Recommend Dismissal is attached.) CO Hendricks had no representative present as an observer.

**The employee responded to the Notice of Intent as follows:**

I request to remain as a Correctional Officer I and remain at Kilby. I bid for a shift at Kilby for 1 year 1-2-05 to 1-2-06. I have 2 daughters. I am not financially able to drive to another institution. I have a trailer. I will attend an Anger Management Class if deemed necessary.

I did pull a knife for my own defense on 2-10-05 in the parking lot. We both bumped chest to chest.

**In addition to her response the employee submitted the following documents (attached):**

CO Hendricks presented documents stapled together as her statement/defense for the incident which occurred on 2-10-05 in the Kilby Parking Lot at app. 10:06 PM. The documents stapled included were: Grievance Form for Step 3 signed by CO Hendricks dated 3-1-05; CO Hendricks 7 page statement; Signed statement from CO I Joey Craig; Unsigned statement from CO Roosevelt Pettaway; Unsigned 3 page statement with no notation as to who this was from other than CO Hendricks verbally stating it was from CO I Krammer Penn; A petition for CO Felicia Hendricks to remain with the Department of Corrections signed by 48 KCF and PHS employees; and a Grievance/Complaint Form for Step 1 signed and dated by CO Hendricks on 2-17-05.

*Terrence McDonnell* 3-2-05  
RECOMMENDING OFFICIAL DATE

*Felicia Hendricks* 3/2/05  
EMPLOYEE DATE

Pending resolution of this problem, the employee can be contacted at the following address and telephone number:

*Felicia Hendricks*  
*5113 Loblolly Pine Dr.*  
*Montgomery, AL 36116*  
*(334) 288-2429*





GRIEVANCE FORM FOR STEP 3  
(1 - 3)

DATE OF GRIEVANCE (ACT): 03/01/05  
CHECK IF ADA FILING: \_\_\_\_\_  
FILE STEP 2: \_\_\_\_\_  
FILE STEP 3: 3

FILED STEP 1: \_\_\_\_\_  
COMPLETED STEP 1: \_\_\_\_\_  
COMPLETED STEP 2: \_\_\_\_\_  
COMPLETED STEP 3: \_\_\_\_\_

NAME: Alicia Hendricks  
INSTITUTION: Kilby Correctional Facility  
YEARS OF SERVICE W/DOC: 5

SSN: 420-98-2608  
CLASSIFICATION: COI  
IN CLASSIFICATION: COI

SUPERVISOR'S NAME: Warden Terrance McDonnell SECT/SHIFT: 2nd

NATURE OF GRIEVANCE: Being considered for dismissal for making a defensive act facing down two female officers and a civilian female who made aggressive moves toward Officer Alicia Hendricks. (See continuation for further details). Inclosures 1 thru 6

## REMEDY SOUGHT

For my actions I deserve some form of discipline/guidance but not dismissal. I am willing to attend and complete anger management classes, if desired. I'm a single parent with two young girls to support and I need my job being a single parent and doing a professional job with D.O.C. I request appropriate actions to be taken against the other parties.

Alicia Hendricks  
SIGNATURE OF GRIEVANT

DECISION AT STEP \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE/TITLE/DATE

On February 10, 2005 at approximately 10:00pm CO1 Edwin Hendricks awaited for CO1 Arthur Nelson to ask him (Nelson) about the rumors spreading inside the institution among officers, nursing staff and inmates. As CO1 Nelson approached his car, which both (Hendricks and Nelson) cars were parked side by side. CO1 Hendricks asked CO1 Nelson in a calmly manner, "Do you have anything to say to me?" CO1 Nelson said, "No" in a smug tone. CO1 Hendricks said, "Are you sure?" Then CO1 Hendricks said to Mrs. Nelson then, "Why is you going around her telling people that I stole your money?" CO1 Nelson replied, "You did." I (Hendricks) told Mrs. Nelson that I (Hendricks) don't have to steal from you, after all the times I let you borrow money. By that time our voices (Hendricks + Nelson) started getting louder. We both (Hendricks + Nelson) were in each other's face yelling and crying. Then CO1 Kuman Phan, Roosevelt Pettaway, Jay Craig and stated you'll need to



leave that mess alone. CO1 Michael Armstrong observed the incident from his car. CO1 Penn, Pettaway and Craig stated you'll need to leave. CO1 Nelson stated, "I'm not leaving and ain't nobody fixing to fight, I need to talk to Mrs. Sandrich and get this off my chest." CO1 Penn stated to CO1 Nelson, "I'll give you \$100 dollars and you'll just leave with this mess. Then CO1 Nelson stated, "The money isn't the issue, Mrs. Sandrichs haven't spoke to me or said anything to me in two whole weeks and that's why I thought she had my money." I replied to Mrs. Nelson, "I don't have your money and why would I steal from you anyway. I don't have to steal. By that time Mrs. Nelson said, "You'll leave me alone I just want to talk to Mrs. Sandrichs alone." Then after that Mrs. Nelson asked me to get in her (Nelson) car and I did.



The arguing had ceased as COT  
Hendricks and Nelson was in  
for car talking to each other. I  
told Mrs. Nelson, I don't have  
your money and why would I  
steal from you anyway after all the  
times I gave you money for gas  
and whenever you asked me I  
gave it to you and I never  
bounced you about paying me  
back. Then Mrs. Nelson replied,  
"Damn, it's been two weeks and  
you haven't spoke to me or said  
a word to me." I told Mrs. Nelson  
what do you expect for me to  
say when you're going around  
accusing me of stealing your  
money. The right thing you could  
have done was come to me  
and ask me instead of accusing  
me. COT Hendricks and Nelson  
both apologized to each other. By  
that time COT Kenneth Colburn, a  
female friend and a child had  
pulled up in front of COT Nelson's



4 of 7

car. In which, CO1 Colbert had left the parking lot for home and returned back. CO1 Colbert got out of his (Colbert) car and approached CO1 Nelson's driver door, opened it and stated to CO1 Nelson, "Are you alright?" CO1 Nelson replied, "I'm fine, I just want to talk to Mr. Dendrichs." Then CO1 Colbert stated to CO1 Nelson, "I'm your friend and I'm not leaving." I told CO1 Nelson that I'll see you later. As I (Dendrichs) got out the passenger side of Nelson's car while CO1 Colbert was standing at the driver side, CO1 Colbert stated to CO1 Nelson, "I told you that Bitch ain't shit." CO1 Dendrichs replied to CO1 Colbert "this doesn't have anything to do with you." Then Colbert stated to Dendrichs, "We (Colbert + Nelson) don't like you anyway." CO1 Dendrichs replied, "Who cares because I don't like you either."



Then Colbert walks to her car pulled off her jacket, pulled her shirt out and said, calling Henschke all kinds of Bitcher and Shit, telling me to bring it on. At that time Colbert continued to walk back and forth to her car yelling out loudly. By that time her female friend got out the car and opened the back door, then that's when I grabbed my pocket knife from the inside of my driver door and pulled it out. By that time CO1 Penn had grabbed my head and took it from me. Then CO1 Colbert started yelling "she's got a knife, Bitch you got to use a knife. I replied to CO1 Penn who was holding me, that, "That Bitch ain't shit." Then CO1 Penn pushed me in my car and closed the door and I CO1 Henschke pulled off and left, then CO1 Nelson



6087

followed me (Hendricks).

On February 27, 2005 at approximately 10:35 pm, CO1 Hendricks called CO1 Nelson on her (Nelson) cell phone and we talked. CO1 Nelson said she was wondering when I was going to call her. I (Hendricks) told her that I didn't know if you really wanted to talk to me. CO1 Nelson said "I'm not mad at you and I told her I wasn't mad at her either. Then we talked about a few things and then she said she didn't think that things would have gone this far. She (Nelson) said that she heard that I (Hendricks) could lose my job and she (Nelson) didn't want that to happen. Then I (Hendricks) asked her do you have a problem working with me and she (Nelson)

said "no." But she (Nelson) said that C/1 Colbert said "she (Colbert) didn't want me to lose my job either, but she (Colbert) can't work with me in fear of her (Colbert) life. I asked Mrs Nelson could she write a statement and she did say "yes," she have no problem with that, and that she (Nelson) would get back with me the next morning, but she never did.

John Smith



INCL. 2

On 2-10-05 at approx. 10:23 PM,  
upon ending my tour of duty at  
Pulley Correctional Facility, I & Col  
Craig was heading towards my  
car in the parking lot. I & Col  
Craig observed Col Felicia Hendrix  
and Col Satya Nelson getting in  
Col Nelson's car. At approx. 10:23 PM,  
I & Col Craig began to pull out of  
the parking lot. Col Satya Nelson  
pull up her <sup>car</sup> behind me and  
stopped my way out. I & Col Craig then  
asked Col Nelson could she move her  
car for me please. Col Nelson then  
told somebody in her car to move  
it. They moved the car. I & Col  
Craig began to exit the property  
and observed Col Nelson walk toward  
Col Nelson's car and open the driver  
side door. I & Col Craig then drove off  
and did not witness anything else.

Pat Craig Col



## DUTY POST LOG

DOC N054 Rev 6-20-89

INCL: 4

On February 10, 2005 at approximately 10:02 p.m. after leaving the institution and entering the parking lot. After walking to my car I observed CoI Felicia Hendricks and CoI Kataya Nelson arguing loudly. I immediately grabbed CoI Hendricks by the arm and tried to place her in the car. CoI Hendricks stated that she was not going anywhere until she gets straight with CoI Nelson because she was not a thief. CoI Nelson came behind CoI Hendricks yelling you got my money because it was in the car and you and I were the only ones in the car. I told CoI Nelson to get in her car and drive down the road and to get this settle down the road off of state property. I told them not to do this in front of everybody and that this shit is going to be all over the prison. Both stated that where not going anywhere until they got it straight. I told CoI Nelson that if it was over a \$100 dollars that I would give her a \$100 dollars.

After arguing about 2 minutes COI Nelson and COI Hendrick got into COI Nelson's car. The loud arguing had ceased. COI Colbert who had left the institution had come back to the parking lot, parked her car in front of COI Nelson's car got out of her car and walked to the driver's side where COI Nelson was sitting yelling "I'm not going to let you jump on my friend and we are not studying you." COI Hendricks got out of the car and said this didn't got nothing to do with you Ms. Colbert. COI Nelson jumped out of the car and told COI Colbert to go home. COI Colbert went back to her car and pulled off her jacket and pulled her shirt out and told COI Hendricks to bring it on. COI Colbert began to walk towards COI Hendricks, using COI Hendricks calling her "Bitches and whores." I observed the female civilian in COI Colbert's car open the passenger door and get out and open the back passenger door of COI Colbert's car. COI Colbert continued to walk toward COI Hendricks. COI Nelson was standing next to the passenger's side of COI Hendricks car. COI Hendricks then reached in the driver's side door and grabbed a pocket knife. COI I then immediately grabbed the knife from COI Hendricks and dropped the knife back in the door, and pushed COI Hendricks



back into her car. CoI Colbert stated you see that the bitch had to get a knife for me, CoI Hendrix had pulled out of the parking lot. CoI Nelson had immediately followed CoI Hendricks. After the incident I had ran to assist Lt. Tchernavira Blackmon who had fallen. After checking on Lt. Blackmon I departed the parking lot.

**PETITION FOR COI FELICIA HENDRICKS TO  
REMAIN WITH THE DEPARTMENT OF  
CORRECTIONS**

1. [Signature]
2. Kathie Bailey Wm.
3. COI Calvin Banks
4. Charles Caldwell Col
5. Eric Richardson Col
6. Wm P. Col
7. Kevin Wallace COI
8. Leonard Staves Wm
9. Frankie Brown COI
10. Wallace Ray Wm
11. [Signature]
12. [Signature] Col
13. Latrika Henderson Wm
14. Daniel P. Col
15. [Signature]
16. Cynthia M. Butler, Wm
17. [Signature] Col
18. [Signature] COI
19. [Signature] COI

21. Alfreda Delaney LPA

22. John F. Richardson COX

23. Nancy Lind COI

24. Leg. Eld Cannon COI

25. Lenard Cannon COI

26. Tommy Pugh COI

27. Tom Pugh COI

28. Robert Young COI

29. B. Clay COI

30. J. H.

31. Ronald S. Gil COI

32. Alvina Baswell RN

33. Maryannett

34. Clara Hall

35. Conan Jones

36. Leonard Moore

37. William H.

38. Yusuf A. Hasan

39. Walter B. Brooks

40. Julia Lee

41. Antoin Armer

42. Light



44. John
45. Mr. Anthony J. Barber
46. Charles H. Barber
47. Sheryl L. Barber
48. Sheryl L. Barber, (M)
49. \_\_\_\_\_
50. \_\_\_\_\_
51. \_\_\_\_\_
52. \_\_\_\_\_
53. \_\_\_\_\_
54. \_\_\_\_\_
55. \_\_\_\_\_

**GRIVANCE/COMPLAINT FORM FOR STEP 1**

PLEASE CIRCLE CAUSE OF COMPLAINT:

Race Color Sex Religion National Origin Retaliation Age Disability  
Other (specify) Information ClarificationDATE: February 17, 2005NAME: Felicia HendricksSSN: 420-98-2608CLASSIFICATION: Correctional Officer IINSTITUTION: KilbySection/Shift: 2<sup>nd</sup>SUPERVISOR'S NAME/POSITION: Tchernavia Blackmon, COSI/ Kenneth Cash, COIIDATE OF OCCURRENCE CAUSING THE COMPLAINT: February 10, 2005

NATURE OF COMPLAINT: On 2-10-05 at approximately 10:05 p.m., in the parking lot at Kilby Prison, Officer Felicia Hendricks was in discussion in Officer Latoya Nelson's vehicle on some money that was lost or disappeared. At approximately 10:14 p.m., I, Officer Hendricks was approached by Officer Lilkenya Colbert and a civilian who was driving her (Colbert) car which had left Kilby Institution and returned. Officer Colbert exited her (Colbert) car and approached Officer Nelson's car and starting making threatening remarks toward Officer Hendricks, who had left Officer Nelson's car for her (Hendricks) car persued by Officers Colbert, Nelson, and an unidentified female who was driving Officer Colbert's car. At approximately 10:15 p.m., Officer Hendricks felt/ threatened by the three individuals and took a small knife out of the driver door of Officer Hendricks' car to ward off the aggression of the three people mentioned above.

REMEDY SOUGHT: A thoroughly investigation of the events on 2-10-05, further information may be obtained from: Officers K. Penn, R. Pettaway, J. Craig, M. Anderson, M. Armstrong which will shed more light on this unusual occurance that may exonerate Officer Hendricks from the alleged allegations. Based on Administrative Regulation # 205, biding on shift institution and days off was elected for Kilby and Second Shift. Officer Hendricks wish to remain at Kilby based on being a single parent with two daughters and being established in the Montgomery area and having a trailer.

COPY OF STEP \_\_\_\_\_ AND \*\*

*Felicia Hendricks 2/17/05*

DECISION ATTACHED

EMPLOYEE SIGNATURE/DATE

DECISION AT STEP \_\_\_\_\_ \*

\_\_\_\_\_  
SIGNATURE/TITLE/DATE

\*\*ENTER APPROPRIATE STEP NUMBER AND ATTACH COPY OF PREVIOUS STEP IF  
PROCEEDING TO HIGHER STEP

ANNEX B

AR206 - February 22, 2000

FEB-28-2005 09:35 FROM:D.O.

DIVISION 334-353-8922

92156606

P:7/14

STATEMENT OF COI FELICIA HENDRICKS

This following will be a tape statement. This statement will be taken from a Ms. Felicia Hendricks. She'll be a correctional officer at Kilby Correctional Facility. This statement will be concerning the employee misconduct, which was said to have occurred at Kilby Correctional Facility parking lot on February 10, 2005, at 10:08 p.m.

ED If you will, Ms. Felicia Hendricks, tell me exactly what you know about this case.

FH Okay. On February the February the 10<sup>th</sup>, 2005, at approximately after 10 p.m. when I received my car from the front lobby, I went out to my car, I crunk my car up and I sat there and I waited on Ms. Ms. Latoya Nelson to come out. When Ms. Latoya Nelson, Nelson came out, I as she came to her car, I, Officer Hendricks, had asked Officer Nelson did you have anything that you wanted to say to me. And she said a lil smirk and said No. And I said are you sure? And she said yeah I'm sure. And I said why are you going around telling people I stole your money. She said you did steel my money. I said Ms. Nelson, I did not steel your money. I said I helped you that night tried to backtrack on what you did with your money and you sat there and you said that you was gonna call the bank and check with the bank and you was gonna find out what happened to your money and therefore. Anyway, when you got (inaudible) home, you supposed to had call me, but Ms. Nelson didn't call me. So from then when I had left, then come back the next day, it was more confrontation about that. Okay. When I had asked her about the money again and she said that I said you had my money. Okay and I told her I don't have her money. I told her that if anything that she want from me, she could ask me. Much as I have helped her.

ED Okay, let's get to about what happened last night on the tenth.

FH Okay. On the tenth of what happened, I was waiting on my car, waiting at my car for Ms. Nelson came. When Officer Nelson came to her car, uh I asked about the money and she said that I had her money and I told her no I didn't. Okay. From then on as we was talking, things got to escalating. We both was crying at each other and we was both holling. I had stepped to Ms. Nelson and I pushed her with my chest, no hand contact whatsoever,

ED Why did you do that?

FH Because I told her I mean that just I don't know, it just was in me. I just had. That was just in me.





ED So you saying you stepped up to her and put your chest to her chest?

FH Yes sir. I did

ED Kinda bumped her in the chest?

FH Yes sir. I did

ED Did she have, did she go backwards?

FH Yes sir. And then she stepped back forward to me.

ED Okay. What happened after that?

FH After that, then uh by that time, that's when everybody came out. Uh other officers had started coming and they was pulling me and Ms. Nelson apart and me and Ms. Nelson both was still crying, saying you know, still talking about the money and all this here. Then uh she told them to just leave her alone. That she wanted to talk to me. So me and her had got in her car and we was talking. When we got in her car and was talking, then uh officer Colbert had pulled up and had came to Ms. Nelson side of her window and she knocked on the window and she asked Ms. Nelson are you alright. And I told her yes, Ms. Nelson is fine. Which Ms. Nelson told her she said yeah. I'm alright. She said just leave me alone. I want to talk to Officer Hendricks. So me and her was talking. Okay Officer Colbert opened the door back up again and said well I'm not leaving. I'm not going nowhere. You my friend. And uh Ms. Nelson told her again. She said I'm alright. I said Ms. Colbert, I said Ms. Nelson alright. I said we talking. Then Ms. Colbert want to tell me talking about, Bitch we don't like you anyway. And you know things started escalating with me and Officer Colbert. So by that time, I had got out my car after I after I told Ms. Nelson I would meet her down the road. I got out the car and I walked over to my car. When I got to my car, then Officer Colbert was still running her mouth and I said some words back to her. We both passed words to each other and after that, then when I had to my car, she said that, I can't remember exactly what she said, but she said some more words. By that time, I had rushed down to my left side of my door, door panel and I had a knife, which I opened the knife and when she said uh Bitch, I'ma get you or whatever. And then I told her (inaudible) I said naw, I'ma get you. I said I want you anyway. Like that. And after that, then Officer Penn had grabbed my right hand, which the knife was in my right hand, he got the knife, and what he did with the knife, I don't know. And then after that, me, I got back in my car when Officer Penn had tried to push me back in my car twice. I finally got back in my car, then me and Ms. Nelson pulled out. I pulled out first, then Officer Nelson pulled out

FEB-28-2005 09:36 FROM:D.O. I DIVISION 334-353-8922

J: 92156606

P: 9/14

behind me, and we left. We went down to the Pike Road post office and when we got down there, me and her was down there talking.

ED You and who?

FH Me and Officer Nelson.

ED Okay

FH Latoya Nelson

FH When we got down there, it is no conflict or nothing like that with her, cause we had, we had solved everything right there where we was talking. And she said that she was sorry if she said anything, I told her that affected me because you lied on me. And she said that she was sorry and I told her I was sorry. And that was that.

ED Why did you pull the knife on Officer Colbert?

FH I don't know, because number one Officer Colbert had, she had another female friend with her and I've always been in situations to where I had been by myself, so I mean that was the only thing I thought at that time, that was the only thing I could think of.

ED Okay. Where is that knife at right now?

FH It's at home.

ED Are you positive it's at home?

FH I'm positive.

ED Where's it at, at home?

FH At home in my drawer.

ED Is it not in your car at this time?

FH No sir, it's not.

ED Anything else you'd like to add to this statement?

FH No more than I can tell Ms. Nelson, that I am sorry.

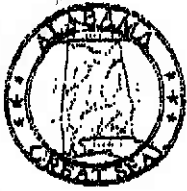
ED Have you told the complete truth in this statement?

**FH** Yes sir, I have.

**ED** This will conclude the taped statement taken from Felicia Hendricks.  
Ending time of this statement will be 4:25 pm.

**ED/ch**





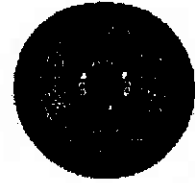
BON RILEY  
GOVERNOR

*State of Alabama*  
**Alabama Department of Corrections**

301 South Ripley Street

P. O. Box 301501

Montgomery, AL 36130



DONAL CAMPBELL  
COMMISSIONER

March 4, 2005

Ms. Felicia S. Hendricks, CO I  
Kilby Correctional Facility  
Montgomery, AL 36057

Dear Ms. Hendricks:

On March 2, 2005 you appeared at a Pre-Dismissal Conference held by Warden Terrance McDonnell to answer the following charges against you:

1. Employees shall observe all laws, rules and regulations. (Administrative Regulation 207, Section V, Paragraph A7)
2. Employees shall uphold, with integrity, the public's trust involved in their positions. (Administrative Regulation 207, Section V, Paragraph A9)
3. Each employee's conduct shall, at all times, be consistent with the maintenance of proper security and welfare of the institution and of the inmates under his/her supervision. (Administrative Regulation 207, Section V, Paragraph B)
4. Employees shall not carry any weapons, tear gas, ammunition, or blackjack into the institution or on the grounds of any ADOC state property, except as authorized by the Warden/Division Director. (Administrative Regulation 207, Section V, Paragraph C11)

In determining the appropriate disciplinary action for violations of Administrative Regulation 207, I have also considered the following offenses under Administrative Regulation 208:

1. Fighting, assault, physical violence and disruptive behavior. (Administrative Regulation 208, Section III, Group III Offenses, Paragraph A.3.b.(4)(a))

Telephone (334) 353-3883

Fax (334) 353-3967



Page 2

Ms. Felicia S. Hendricks

2. Conduct that is disgraceful, on or off the job, that does adversely affect employee's effectiveness on the job. (Administrative Regulation 208, Section III, Group III Offenses, Paragraph A.3.b.(4)(n))
3. Possession or use of firearms, weapons, explosives, or other dangerous items, except on duty and in designated areas and as authorized in regulations and/or procedures. (Administrative Regulation 208, Section III, Group III Offenses, Paragraph A.3.b.(4)(s))
4. Serious violations of other rules, procedures, laws, or reasonable conduct expectations. (Administrative Regulation 208, Section III, Group III Offenses, Paragraph A.3.b.(4)(v))

On or about February 10, 2005 it was reported that a disturbance occurred in the parking lot of Kilby Correctional Facility that involved you and two (2) other officers. Voices were heard screaming and cursing while another officer was attempting to restrain you.

An investigation on the above referenced incident revealed that you pulled a knife on one (1) of the officers in the Kilby parking lot. You admitted to one (1) of the department's investigator that you did pull the knife on the officer and turned the knife in to him. You further admitted that you bullied the officer by brushing up against her with your chest while pushing her backwards. There were numerous witnesses to this incident regarding your involvement in pulling the knife and/or physical and verbal confrontation on two (2) officers.

A review of your overall work record reveals no active or previous disciplinary action.

Having reviewed the Warden's Notice of Intent to Recommend Dismissal and associated documents, your overall work record, and the defense you offered at the Pre-Dismissal Conference; I do hereby order your dismissal, for the good of the service, to be effective the close of business March 4, 2005.

I regret this action is necessary, but Alabama Department of Corrections' employees are expected to maintain reasonable standards of conduct. Your failure to meet these standards cannot be condoned.







STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS

STATE OF ALABAMA

Montgomery, County

I. OATH OF OFFICE I, Julia S. [Signature]  
do solemnly swear (or affirm, as the case may be) that I will support  
the Constitution of the United States and the Constitution of the State  
of Alabama, so long as I remain a citizen thereof; that I will faith-  
fully execute and discharge all the duties required of me as

Correctional Officer I (office you hold), and observe all  
the rules and regulations prescribed for the government of convicts,  
so far as concerns my office; and will, in no case ill treat or abuse  
any convict under my charge or control, nor inflict upon him any other  
or greater punishment than may be prescribed by said rules and regula-  
tions, so help me God.

II. CONTRABAND. I understand that if I do not report each and every  
incident of approach made to me for bringing in contraband that I will  
place myself in violation of Title 14, Chapter 2, Code of Alabama,  
and that the penalty for such violation, upon conviction, is a fine  
of not less than \$25.00 nor more than \$500.00 and/or imprisonment or  
sentence to hard labor for a term of not exceeding six months.

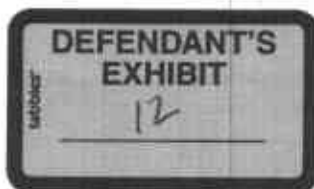
III. CONSENT TO SEARCH. I understand that an administrative condition  
of employment with the Alabama Department of Corrections is that I  
must submit to personal search whenever required by proper authority  
and that the search may also be extended to a search of my personal  
property and vehicle located on Department of Corrections-owned pro-  
perty or state-owned property and hereby knowingly and willingly do  
consent to these conditions.

IV. COMPENSATORY TIME AGREEMENT. I, the undersigned, accept as a con-  
dition of employment that any overtime hours worked may be compensated  
for through the use of compensatory time off in lieu of monetary pay-  
ment. I understand that such decisions will be consistent with  
applicable laws and regulations and will govern only those employees  
ruled eligible for overtime compensation.

Julia S. [Signature]  
Employee Signature

Sworn to and subscribed before me this 25<sup>th</sup> day of April, 2000

[Signature]  
Notary Public



## Statement

On February 27, 2004, I Felicia Hendricks was assigned to West Ward. I visually observed Sgt. Gus White pulled a pocketknife from his pocket and attempted to cut down inmate, Timothy Welch from West Ward Isolation cell #1 whom was attempting to commit suicide.



A Memorandum of Understandings involving my employment at D.O.C. (See inclosures 1-11) for further information. All D.O.C. employees still remained with D.O.C. with no discrepancy.

1. Lt. Eddie Browning was arrested and charged with stalking and sexual harassments in an event that was highly televised. He was immediately transferred to Staton Correctional Facility.
2. Lt. Victor Napier had problems with his wife where as his wife came to the facility and picked him up. Lt Napier abandoned his post. He was the only supervisor on duty and left the facility unsupervised.
3. Sgt. John Crow assaulted his wife about a relationship with an inmate. Nothing was done.
4. Sgt. William Miller was involved in a relationship with COI Kenneth McMann's wife (Tracy McMann) while both were employed at the same institution. Which eventually led to a dispute and a transfer.
5. Sgt. Patricia Davis and COI Johnnie Dumas were both involved in a physical altercation that involved a weapon (radio) at the Montgomery Work Center. Both Davis and Dumas were involved in a love affair with Warden Jeffery Williams. Both Officers were transferred to other institutions.
6. COI Jimmy Glenn and COI Albert Potterfield were involved in a physical altercation where to a weapon (Knife) was used in the Receiving Unit at Kilby.
7. COI Jerry Redic and COI William Scott were involved in a physical / verbal altercation in the Segregation Unit and Kilby Correctional Facility.
8. COI Mary Holmes and COI Debra Caldwell were involved in an altercation at the Montgomery Work Center. COI Holmes was transferred to another institution after COI Caldwell threatened to assault COI Holmes with a weapon (hand-held-radio).
9. COI Willie Lawrence was involved in a physical altercation with his wife after his wife had an involvement with a fellow employee at the sheriff's department. The incident led to COI Lawrence getting a domestic violence charge.
10. COI Charles Caldwell received a Domestic Violence charge after assaulting his wife because of an affair that COI Caldwell was having with Nurse Katie Bailey a former employee at the D.O.C. No actions taken.





11. COI Bernard McClain was involved in an altercation with his girlfriend which led up to his arrest and charged with domestic violence.

I Felicia Hendricks was involved in a dismissal hearing by Kilby Correctional Facility/ D.O.C. which in my opinion was unfair and illegal due to my being involved in a first discrepancy with D.O.C. See inclosures (1-11) and D.O.C. Administration Regulations #207, #208, and #220 for further clarification.

The incidents involving my dismissal in my opinion was prejudice and unfavorable due to two of my fellow officers and an unknown female later recognized as Selena Davis approaching me in an unfriendly manner which caused me to reach in the door of my car where I was standing and pick up a small pocket knife and made it visible to them to distract or detour them from approaching any further. At this time all actions were interrupted by other officers whom were observing this incident. Other Officers whom observed are Charles Fuller, Krammer Penn, Roosevelt Pettaway, Michael Armstrong, Jarvin Jarrett, Joey Craig, Michael Anderson, and Anthony Barber. See inclosures which does not include everyone who observed this incident.

I request copies of all statements in this incident that were favorable or unfavorable against me.